

By Mr. WILLIAMS: A memorial of the legislature of the State of Mississippi, memorializing Congress to broaden and extend foreign markets for cotton and cotton goods—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 19079) granting a pension to Phoebe Templeton—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 19080) granting an increase of pension to Frederick Fienop—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 19081) granting an increase of pension to Eliza J. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19082) granting an increase of pension to John H. Grisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19083) granting an increase of pension to William Glenn—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 19084) granting an increase of pension to Charles S. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 19085) granting an increase of pension to W. F. Shoemate—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 19086) granting an increase of pension to Charles Eiserman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19087) granting an increase of pension to Charles Haggett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19088) granting an increase of pension to Nesbit Wiggins—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19089) granting an increase of pension to Anna E. Hughes—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 19090) granting an increase of pension to James L. Rowden—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19091) granting an increase of pension to Ernst Langeneck—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 19092) granting an increase of pension to Jonathan M. Riffe—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19093) granting an increase of pension to Barnard J. Erwin—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 19094) granting an increase of pension to John Henry—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 19095) granting an increase of pension to Benjamin Hains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19096) granting an increase of pension to Joseph Goddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19097) granting an increase of pension to Samuel N. Pethick—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 19098) granting an increase of pension to Sarah Young—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 19099) granting an increase of pension to Columbus Cox—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 19100) granting an increase of pension to Asa G. Brooks—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 19101) granting an increase of pension to Sarah C. A. Scott—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19102) for the relief of Samuel Y. B. Williams, of Chattanooga, Tenn.—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 19103) granting an increase of pension to William Presley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19104) granting an increase of pension to Jacob Witmer—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 19105) granting an increase of pension to William Moser—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 19106) granting an increase of pension to Margaret Epperson—to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 19107) granting an increase of pension to Mary Ann Cody—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 14634) for the relief of George H. Chase, and it was referred to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON of Delaware: Petition of Capital Grange, Dover, Del., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Petition of Giles E. Miller, Times-Echo, Arkansas, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of the United Boiler Makers and Iron-ship Builders of North America, for the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: Petition of citizens of Dowling, Mich., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. HARDWICK: Paper to accompany bill for relief of Mary Navy—to the Committee on Pensions.

By Mr. HEFLIN: Petition of the Interdenominational Missionary Union of Washington, D. C., against Sunday opening of the Jamestown Exposition, by contract, as at St. Louis—to the Select Committee on Industrial Arts and Expositions.

Also, petition of the Woman's Interdenominational Missionary Union, for the Wadsworth bill, amended with the provisions of the Hefflin bill, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the East Brookland Citizen's Association, favoring the separate car system for Washington, D. C.—to the Committee on the District of Columbia.

By Mr. LAMB: Petition of Goodwill Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Y. B. Williams—to the Committee on War Claims.

By Mr. OLMSTED: Petition of citizens of Mechanicsburg, Cumberland County, Md., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Sinking Valley Presbyterian Church, Arch Spring, Pa., for prohibition of polygamy—to the Committee on the Judiciary.

By Mr. THOMAS of Ohio: Petition of the United Commercial Travelers, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ohio, against bill S. 529 (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. TOWNSEND: Petition of citizens of Michigan, against bill S. 529 (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

SENATE.

WEDNESDAY, May 9, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

STATUE OF THOMAS JEFFERSON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, on behalf of the Commission created by the sundry civil appropriation act of April 28, 1904, reporting that the selection of a site in the District of Columbia for the statue of Thomas Jefferson and the procuring of plans and designs have been delayed by the death of the late Secretary of State, Mr. Hay, but that the Commission has secured the consent of Mr. Augustus St. Gaudens to make designs for the proposed statue as soon as engagements permit, and that they will be transmitted to Congress without any unavoidable delay thereafter; which was referred to the Committee on the Library, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana;

H. R. 16672. An act to punish cutting, chipping, or boxing trees on the public lands;

H. R. 17114. An act to provide for the disposition under the public-land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington; and

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

H. R. 5290. An act providing for the allotment and distribution of Indian tribal funds; and

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities.

The following bills were severally read twice by their titles, and referred to the Committee on Pacific Islands and Porto Rico:

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900; and

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto.

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School, at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905; was read twice by its title, and referred to the Committee on Territories.

The following bills were severally read twice by their titles, and referred to the Committee on Fisheries:

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska; and

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shell-fish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;

H. R. 17948. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings;

H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;

H. R. 18330. An act entitled "An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;"

H. R. 18713. An act to validate certain certificates of naturalization; and

H. R. 14968. An act to amend the internal-revenue laws, so as to provide publicity of its records, was read twice by its title, and referred to the Committee on Finance.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 15078. An act granting to the Ocean Shore Railroad Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal.;

H. R. 15095. An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River, on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation;

H. R. 18204. An act to authorize the Northampton and Halifax Bridge Company to construct a bridge across the Roanoke River at or near Weldon, N. C.;

H. R. 18439. An act to authorize the construction of a bridge across the Tallahatchie River, in Tallahatchie County, Miss.; and

H. J. Res. 134. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

JOHN W. HAMMOND.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved, etc., That the President be requested to return the bill (H. R. 8948) entitled "An act granting an increase of pension to John W. Hammond."

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 13783) to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Society, Daughters of the American Revolution, praying for the enactment of legislation to authorize the publication of the roster of those who served in the war of the Revolution, as is now being done by the War Department of those who served in the civil war and in the Spanish-American war; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Society, Daughters of the American Revolution, praying for an investigation into the industrial conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of the United States, praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Monday Club, of Rochester, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of the eastern section of the District of Columbia and of Prince George County, Md., praying for the enactment of legislation to authorize the Marlboro Electric Railway Company to extend its lines into the District of Columbia and also to incorporate the East Washington Heights Railroad Company; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Thompson & Hoague Company, of Concord, N. H., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. George L. Mason and George A. Sanborn, of Rochester, N. H., and the petition of E. A. Chase, of Plymouth, N. H., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. PLATT presented petitions of sundry citizens of Rome, Brooklyn, Blackwells Island, and Auburn, and of Local Council No. 125, Junior Order United American Mechanics, of Lockport, all in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Caton Grange, No. 248, Patrons of Husbandry, of Corning, N. Y., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the board of aldermen of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster; which was referred to the Committee on Claims.

Mr. DILLINGHAM presented a petition of the Vermont Federation of Women's Clubs, praying for an investigation into the

industrial condition of the women of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of Green Mountain Council, No. 5, Daughters of Liberty, of Newport, Vt., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. DRYDEN presented petitions of Washington Camp, No. 39, Patriotic Order Sons of America, of Atlantic City, and of sundry citizens of Plainfield and Newark, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Montclair, N. J., praying for the establishment of a national bureau in behalf of the children of the country; which were referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Home and Foreign Missionary Society of the Presbyterian Church of Rutherford, N. J., and a petition of Colony No. 6, National Society of New England Women, of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. McCUMBER presented the petition of George W. Davison and sundry other inmates of the National Military Home in the State of Ohio, praying for the enactment of legislation increasing the pensions of dependent soldiers and sailors who served ninety days or more in the civil war; which was referred to the Committee on Pensions.

Mr. PENROSE presented petitions of Valley Grange, No. 52, of Millville; of Local Grange, No. 1277, of Glen; of Steuben Grange, No. 858, of Townville; of sundry citizens of Erie; of North Elk Run Grange, No. 913, of Mansfield; of sundry citizens of Philadelphia; of German Grange, No. 785, of Smithfield; of Local Grange No. 952, of Hopbottom; of West Nicholson Grange, No. 321, of Tioga County; of Elk Creek Grange, No. 997, of Lundys Lane; of Randolph Grange, No. 190, of Guys Mills; of Lehman Grange, No. 229, of Overton; of Leonard Grange, No. 779, of Leonard; of Local Grange No. 800, of Mayfield; of sundry citizens of Fulton County; of Local Grange No. 66, of Fulton; of South Branch Grange, No. 1288, of Coudersport, and of Local Grange No. 1225, of Frackville, all Patrons of Husbandry, in the State of Pennsylvania, praying for the removal of the internal-revenue tax on denaturalized alcohol; which were referred to the Committee on Finance.

Mr. BURROWS presented the memorial of George P. Codd, mayor of Detroit, Mich., remonstrating against the enactment of legislation providing that the inspector of asphalt and cements in the District of Columbia shall not receive or accept compensation of any kind from, or perform any work, or render any services of a character required by him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia; which was referred to the Committee on Appropriations.

Mr. NELSON presented a petition of sundry citizens of Luverne, Minn., praying for the removal of the internal-revenue tax on denaturalized alcohol; which was referred to the Committee on Finance.

Mr. PROCTOR presented a petition of General Sherman Council, No. 31, Junior Order United American Mechanics, of Lyndon, Vt., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of Progressive Grange, No. 283, of Hartland, and Green Mountain Grange, No. 1, of St. Johnsbury, Patrons of Husbandry, and of the Woman's Christian Temperance Union of Enosburg Falls, all in the State of Vermont, praying for the removal of the internal-revenue tax on denaturalized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Vermont Federation of Women's Clubs, praying for an investigation into the industrial condition of the women of the country; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of Franklin Grange, No. 124, Patrons of Husbandry, of Bryants Pond, Me., praying for the removal of the internal-revenue tax on denaturalized alcohol; which was referred to the Committee on Finance.

REGULATION OF OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. FRYE. I present a memorial of the Medical Society of the District of Columbia, remonstrating against the enactment of legislation to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia. I move that the memorial lie on the table, and that it be printed as a document.

The motion was agreed to.

MISSOURI RIVER BRIDGE IN MONTANA.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5989) to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont., reported it with amendments, and submitted a report thereon.

Mr. CARTER subsequently said: I ask unanimous consent for the present consideration of the bill (S. 5989) to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont., which was reported from the Committee on Commerce by the Senator from Arkansas [Mr. BERRY].

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Commerce were, on page 1, line 5, to strike out the words "and maintain a railroad bridge" and insert "maintain and operate a railroad bridge and approaches thereto;" and in line 8, after the word "Montana," to strike out the period and the remainder of the bill and insert:

In accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the Chicago, Milwaukee and St. Paul Railway Company, of Montana, its successors or assigns, be, and are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River at some convenient and practicable point within the limits of Broadwater County, or between Broadwater and Gallatin counties, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF MOTOR BOATS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the amendment of the House of Representatives to the bill (S. 4094) to amend section 4426 of the Revised Statutes of the United States—regulation of motor boats—to report it back favorably, and to move that the Senate concur in the amendment of the House of Representatives.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 2, after "hire," insert "but not engaged in fishing as a regular business."

The VICE-PRESIDENT. The Senator from Maine moves that the Senate concur in the amendment of the House.

The motion was agreed to.

NORTHERN PACIFIC RAILWAY LAND GRANT.

Mr. FULTON. From the Committee on Public Lands I report back favorably the amendment of the House of Representatives to the bill (S. 2292) for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 8, after the word "abandoned," insert:

Provided, That all lieu selections made under this act shall be confined to lands within the State where the private holdings are situated.

Sec. 2. That this act shall become effective upon an acceptance thereof by the Northern Pacific Railway Company being filed with the Secretary of the Interior.

Mr. FULTON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CHARLES L. ALLEN.

Mr. PENROSE. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 13946) for the relief of Charles L. Allen, to report it favorably without amendment. I call the attention of the senior Senator from New York [Mr. PLATT] to the bill.

Mr. PLATT. I ask to have the bill put upon its passage at the present time.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue to Charles L. Allen, of New York, a duplicate in lieu of United

States 4 per cent registered bond of the funded loan of 1907, No. 141694, for \$100, inscribed in his name, and alleged to have been lost after having been assigned in blank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEIGHING OF MAILS.

Mr. PENROSE. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the joint resolution (S. R. 54) authorizing a change in the weighing of the mails in the fourth section, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That on account of the earthquake calamity in California on April 18, 1906, authority is hereby given to the Postmaster-General to use the average daily weight of mails for a period not less than thirty successive working days ascertained during the period from February 20 to April 17, 1906, in adjusting the compensation, according to law, on all railroad routes in the fourth section for the transportation of mails during the quadrennial term beginning July 1, 1906, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days not less than ninety.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. ASHTON.

Mr. BURKETT. By direction of the Committee on Pensions I reported back favorably the other day the bill (S. 5871) granting an increase of pension to William B. Ashton. I am informed of the death of the pensioner, and I move the indefinite postponement of the bill.

The motion was agreed to.

BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 6090) to furnish bronze medals of honor to surviving soldiers who responded to President Lincoln's first call for troops; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE (by request) introduced a bill (S. 6091) to regulate the issuing of licenses to plumbers, gas fitters, and fixture hangers in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURROWS introduced a bill (S. 6092) to correct the military record of David Chrisman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6093) granting a pension to Hester A. Collier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6094) granting an increase of pension to James H. Clayton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 6095) granting an increase of pension to Hugh Marshall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 6096) granting a pension to John Little; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FLINT introduced a joint resolution (S. R. 55) for the further relief of sufferers from earthquake and conflagration in the State of California; which was read twice by its title, and referred to the Committee on Appropriations.

CONSTITUTIONAL AMENDMENT AGAINST POLYGAMY.

Mr. PLATT. I introduce a joint resolution proposing an amendment to the Constitution of the United States. I ask that it may be read, and that it lie on the table.

The joint resolution (S. R. 56) proposing an amendment to the Constitution of the United States prohibiting polygamy and polygamous cohabitation within the United States was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution of the United States, to be numbered and to read as follows, to wit:

"ARTICLE XVI.

"SEC. 1. Neither polygamy nor polygamous cohabitation shall exist in the United States or any place subject to its jurisdiction.

"SEC. 2. The practice of polygamy or polygamous cohabitation within the bounds of a State or Territory of the United States, or any place

subject to its jurisdiction, shall be treated as a crime against the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation, but nothing in this article shall be construed to deny to any State the exclusive power, subject to the provisions of this article, to make and enforce all laws concerning marriage and divorce within its jurisdiction or to vest in the United States any power respecting the same within any State."

The VICE-PRESIDENT. The joint resolution will lie on the table and be printed.

AMENDMENTS TO RAILROAD RATE BILL.

Mr. LA FOLLETTE submitted four amendments intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which were ordered to lie on the table, and be printed.

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RAYNER (for Mr. GORMAN) submitted an amendment proposing to appropriate \$4,427.44 to pay the administrator de bonis non of the estate of Albert Seekamp the amount found due him by the Court of Claims, intended to be proposed by Mr. GORMAN to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE submitted an amendment proposing to appropriate \$15,000 for the publication of an edition of 10,000 copies of a memorial volume commemorative of the final interment of the body of John Paul Jones at the United States Naval Academy, Annapolis, Md., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. KNOX submitted an amendment proposing to appropriate a sum sufficient to pay the legal representatives of the late Thomas H. Carpenter, captain, United States Army, retired, the difference between the pay of a captain on the retired list from March 1, 1866, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the compensation of three telephone operators for the Metropolitan police, District of Columbia, from \$600 to \$720 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On May 8:

- S. 591. An act granting a pension to William C. Banks;
- S. 1692. An act granting a pension to Ellen H. Swayne;
- S. 1818. An act granting a pension to Edward T. White;
- S. 1913. An act granting a pension to Clara F. Leslie;
- S. 2021. An act granting a pension to Juliet K. Phillips;
- S. 2767. An act granting a pension to Sarah S. Etue;
- S. 3308. An act granting a pension to Sarah Lovell;
- S. 3555. An act granting a pension to Alice A. Fray;
- S. 5095. An act granting a pension to Jeremiah McKenzie;
- S. 5146. An act granting a pension to Mary J. McLeod;
- S. 5192. An act granting a pension to John H. Stacey;
- S. 5455. An act granting a pension to Emily J. Alden;
- S. 13. An act granting an increase of pension to Hautville A. Johnson;
- S. 556. An act granting an increase of pension to William H. Egolf;
- S. 834. An act granting an increase of pension to Lucian W. French;
- S. 918. An act granting an increase of pension to Edwin N. Baker;
- S. 971. An act granting an increase of pension to William H. Hackney;
- S. 1013. An act granting an increase of pension to William H. Odear;
- S. 1260. An act granting an increase of pension to Frank Pugsley;
- S. 1514. An act granting an increase of pension to George W. Wicks;

- S. 1564. An act granting an increase of pension to Leander C. Reeve;
- S. 1605. An act granting an increase of pension to Richard H. Lee;
- S. 1628. An act granting an increase of pension to Christian H. Goebel;
- S. 1691. An act granting an increase of pension to Alice S. Shepard;
- S. 1728. An act granting an increase of pension to Joseph H. Allen;
- S. 2759. An act granting an increase of pension to William B. Mitchell;
- S. 2799. An act granting an increase of pension to Willis H. Watson;
- S. 2886. An act granting an increase of pension to Martha Hoffman;
- S. 2959. An act granting an increase of pension to William R. Gallion;
- S. 2977. An act granting an increase of pension to David B. Neafus;
- S. 2985. An act granting an increase of pension to George W. Bodenhamer;
- S. 3119. An act granting an increase of pension to Francis A. Beranek;
- S. 3130. An act granting an increase of pension to George B. Vallandigham;
- S. 3178. An act granting an increase of pension to Daniel Shelly;
- S. 3230. An act granting an increase of pension to William C. Bourke;
- S. 3272. An act granting an increase of pension to John Hirth;
- S. 3273. An act granting an increase of pension to Abisha Risk;
- S. 3415. An act granting an increase of pension to William Triplett;
- S. 3468. An act granting an increase of pension to Myra R. Daniels;
- S. 3549. An act granting an increase of pension to Martha H. Ten Eyck;
- S. 3551. An act granting an increase of pension to Solomon Jackson;
- S. 3655. An act granting an increase of pension to Mary A. Good;
- S. 3720. An act granting an increase of pension to Smith Vaughan;
- S. 3759. An act granting an increase of pension to Henry D. Miller;
- S. 3765. An act granting an increase of pension to Charles R. Frost;
- S. 3883. An act granting an increase of pension to Ferdinand Hercher;
- S. 4010. An act granting an increase of pension to Bridget Egan;
- S. 4018. An act granting an increase of pension to Ebenezer Lusk;
- S. 4112. An act granting an increase of pension to Henry Swigart;
- S. 4126. An act granting an increase of pension to Willard Farrington;
- S. 4193. An act granting an increase of pension to Calvin D. Wilber;
- S. 4231. An act granting an increase of pension to Owen Martin;
- S. 4359. An act granting an increase of pension to Mary E. Lincoln;
- S. 4392. An act granting an increase of pension to Cornelia A. Mobley;
- S. 4511. An act granting an increase of pension to William Hoaglin;
- S. 4576. An act granting an increase of pension to William Monks;
- S. 4582. An act granting an increase of pension to Seth H. Cooper;
- S. 4688. An act granting an increase of pension to Noel J. Burgess;
- S. 4739. An act granting an increase of pension to Benjamin F. Burgess;
- S. 4745. An act granting an increase of pension to Susan J. F. Joslyn;
- S. 4759. An act granting an increase of pension to Oliver M. Stone;
- S. 4760. An act granting an increase of pension to John B. Lee;
- S. 4763. An act granting an increase of pension to Harrison Randolph;
- S. 4901. An act granting an increase of pension to Joshua M. Lounsberry;
- S. 5055. An act granting an increase of pension to Melvin Grandy;
- S. 5077. An act granting an increase of pension to Gabriel Cody;
- S. 5091. An act granting an increase of pension to Sallie Tyrrell;
- S. 5092. An act granting an increase of pension to Mary C. Feigley;
- S. 5093. An act granting an increase of pension to Josiah F. Staubs;
- S. 5094. An act granting an increase of pension to Samuel F. Baublitz;
- S. 5114. An act granting an increase of pension to Lizzie B. Cusick;
- S. 5173. An act granting an increase of pension to William S. Garrett;
- S. 5186. An act granting an increase of pension to Robert Staplins;
- S. 5189. An act granting an increase of pension to Margaret F. Joyce;
- S. 5205. An act granting an increase of pension to John F. Alsup;
- S. 5219. An act granting an increase of pension to David N. Morland;
- S. 5255. An act granting an increase of pension to John D. Cutler;
- S. 5291. An act granting an increase of pension to Elijah A. Smith;
- S. 5337. An act granting an increase of pension to Samuel M. Tow;
- S. 5338. An act granting an increase of pension to David Buckner;
- S. 5342. An act granting an increase of pension to Mary E. Johnson;
- S. 5344. An act granting an increase of pension to Sophronia Roberts;
- S. 5355. An act granting an increase of pension to Annie M. Walker;
- S. 5366. An act granting an increase of pension to John Beatty;
- S. 5375. An act granting an increase of pension to Frances L. Porter;
- S. 5439. An act granting an increase of pension to George W. Dunlap;
- S. 5453. An act granting an increase of pension to Jacob M. Pickle;
- S. 5515. An act granting an increase of pension to Matilda C. Frizelle; and
- S. 5517. An act granting an increase of pension to William H. H. Shaffer.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the Chair lays before the Senate the unfinished business, which is House bill 12987.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from New Jersey [Mr. DRYDEN] to the amendment of the Senator from West Virginia [Mr. ELKINS]. The amendment and the amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment submitted by the Senator from West Virginia [Mr. ELKINS] by inserting before the first word—the word "It"—in the amendment the following words:

That on and after July 1, 1911.

So that if amended the amendment will read:

That on and after July 1, 1911, it shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

Mr. LODGE. The pending question is on an amendment to the amendment, is it not?

The VICE-PRESIDENT. It is.

Mr. LODGE. Therefore, it is not open to further amendment

at this stage. If adopted, will it be open to amendment? I think the date is altogether too remote.

The VICE-PRESIDENT. The Senator proposing the amendment to the amendment can modify it, if he sees fit.

Mr. LODGE. If adopted now, it can not be amended until it reaches the Senate stage?

The VICE-PRESIDENT. The Chair so understands.

Mr. McCUMBER. I simply wish to ask as a parliamentary matter whether a substitute would be in order for the amendment as amended after it has been amended?

The VICE-PRESIDENT. The Chair understands that a substitute would be in order. There has been a substitute proposed by the Senator from Mississippi [Mr. McLAURIN].

Mr. McCUMBER. But it would not be in order at this time?

The VICE-PRESIDENT. A substitute would not be in order until after the amendment has been perfected.

Mr. GALLINGER and others. Question.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. DRYDEN] to the amendment of the Senator from West Virginia [Mr. ELKINS]. [Putting the question.] In the opinion of the Chair the yeas have it.

Mr. CULBERSON. I ask for a division.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. FRYE. I should like to ask the Senator from New Jersey if he can not modify his amendment by reducing the time somewhat?

Mr. DRYDEN. I should like to inquire what the proposed modification is?

Mr. FRYE. I should like to have it 1908 or 1909.

Mr. LODGE. 1908.

Mr. DRYDEN. I will agree to a modification making it 1909.

Mr. LODGE. That is lengthening it out too much.

Mr. DRYDEN. It gives but two years and a half to readjust interests involving hundreds of millions of dollars. I think it is a very short time.

The VICE-PRESIDENT. The Senator from New Jersey modifies his proposed amendment to the amendment as follows.

The SECRETARY. By striking out the word "eleven" and inserting in lieu the word "nine;" so that it will read:

That on and after July 1, 1909.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BACON. I understand that the provision in the substitute is for May, 1908. Am I correct?

The VICE-PRESIDENT. Does the Senator inquire what is the date under the modified amendment of the Senator from New Jersey to the amendment?

Mr. BACON. That is offered as an amendment to the substitute proposed by the Senator from Mississippi, is it not?

The VICE-PRESIDENT. It is offered as an amendment to the amendment of the Senator from West Virginia [Mr. ELKINS] and is not directed to the proposed substitute.

Mr. BACON. In the amendment offered by the Senator from West Virginia there is no time limit, I understand.

The VICE-PRESIDENT. The Chair understands that there is no limit in the amendment proposed by the Senator from West Virginia.

Mr. BACON. But there is a time limit suggested in the substitute which will be proposed by the Senator from Mississippi, which I understand to be May, 1908. So there are practically those two propositions before us.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. DRYDEN] as modified by him to the amendment of the Senator from West Virginia [Mr. ELKINS], on which the yeas and nays have been ordered.

Mr. SPOONER. I ask that the amendment to the amendment be read.

The VICE-PRESIDENT. The amendment to the amendment will be again read.

Mr. DOLLIVER. I should like to have the whole amendment reported as modified.

The VICE-PRESIDENT. Without objection, the Secretary will read the entire amendment as it will stand if amended.

The SECRETARY. The amendment proposed by the Senator from New Jersey [Mr. DRYDEN] is to insert before the first word—the word "It"—in the amendment of the Senator from West Virginia the following words:

That on and after July 1, 1909.

So that if amended the proposition will read:

That on and after July 1, 1909, it shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or

selling, directly or indirectly, coal, coke, or any other commodity to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

The VICE-PRESIDENT. The Chair understands that the yeas and nays are still desired upon the amendment to the amendment as modified.

Mr. BEVERIDGE. Is the question before the Senate on which we are about to vote the amendment of the Senator from New Jersey to the amendment of the Senator from West Virginia, or is it upon the whole proposition?

The VICE-PRESIDENT. It is only upon the amendment proposed by the Senator from New Jersey to the amendment proposed by the Senator from West Virginia.

Mr. BEVERIDGE. So the subject upon which the Senate is now about to vote is the question as to whether three years or two and a half years' time shall be given for the disposition of the property.

The VICE-PRESIDENT. As to whether the time mentioned in the amendment to the amendment shall be given. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY] on all votes upon the pending bill. I therefore withhold my vote, and I will make no further announcement of the pair.

The roll call was concluded.

Mr. SPOONER. I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I understand that he would vote against this amendment if present.

Mr. TILLMAN. He would.

Mr. SPOONER. I am therefore not at liberty to vote. If I were at liberty to vote, I should vote "yea."

The result was announced—yeas 44, nays 29—as follows:

YEAS—44.

Aldrich	Clarke, Ark.	Gallinger	Nixon
Alger	Crane	Hale	Penrose
Allee	Cullom	Hansbrough	Perkins
Ankeny	Dick	Hemenway	Piles
Beveridge	Dillingham	Hopkins	Platt
Brandegee	Dryden	Kean	Scott
Bulkeley	Elkins	Kittredge	Smoot
Burnham	Flint	Knox	Sutherland
Carter	Foraker	Long	Warner
Clark, Mont.	Frye	McCumber	Warren
Clark, Wyo.	Fulton	Nelson	Wetmore

NAYS—29.

Bacon	Dolliver	McCreary	Simmons
Bailey	Dubois	McLaurin	Stone
Berry	Foster	Martin	Taliaferro
Blackburn	Frazier	Money	Teller
Burkett	Gamble	Newlands	Tillman
Clapp	Gearin	Overman	
Clay	La Follette	Pettus	
Culbertson	Lodge	Rayner	

NOT VOTING—16.

Allison	Daniel	Latimer	Morgan
Burrows	Depew	McEnery	Patterson
Burton	Gorman	Mallory	Proctor
Carmack	Heyburn	Millard	Spooner

So the amendment to the amendment was agreed to.

Mr. HOPKINS. Mr. President, I move to refer the amendment proposed by the Senator from West Virginia [Mr. ELKINS] as just amended by the amendment of the Senator from New Jersey [Mr. DRYDEN] and all pending amendments relating to this subject and the proposed substitute to the Committee on Interstate Commerce.

The reason I am constrained to make that motion is on account of the experience we have had during all day yesterday and up to this time to-day. The vote that has just been taken shows that there is a wide division of sentiment among the members of the Senate as to the wisdom of the last amendment which has been adopted. I think, however, there is no division of sentiment that this subject should be treated, and that we should have legislation which would forever divorce transportation companies from mining and marketing coal and other natural products. For one I am exceedingly anxious that this question should receive careful consideration at the hands of the committee; that a bill should be reported to the Senate; that the Senate and the House of Representatives should speedily pass it, and that it should be enacted into law; but it is too grave a question to be settled on the floor of the Senate by amendments. In my judgment it is not second in importance to the subject we are now considering, where we propose to give the Interstate Commerce Commission the power to fix rates. That is a marvelous advance in legislation upon this great subject.

In the coal question we meet a subject that is entirely dif-

ferent from the one of rates relating to railroads, but it is a subject which equally interests all sections of our common country and which equally interests all classes of people in the United States. Hence it is important that it should not be combined with this question and that it should have the careful consideration of a committee and of the Senate itself.

Senators will remember that during this session of Congress a resolution has been passed authorizing the Interstate Commerce Commission to investigate this very subject; and if my motion prevails and the subject-matter of this amendment shall be sent to this committee of the Senate the committee will have the benefit of the investigation which has already been made and which is now being made by the Commission to formulate proper legislation on this great and important matter.

Mr. BAILEY. Mr. President, I make the point of order that it is not in order to move to commit an amendment to a committee.

Mr. ALDRICH. Under what rule?

Mr. BAILEY. It is in order to move to commit a bill, but there is no rule authorizing a motion to commit an amendment.

Mr. ALDRICH. I ask that the twenty-second rule be read.

Mr. BAILEY. The Senate can dispose of an amendment by voting it down, but there is no authority for a motion to commit an amendment to a committee.

Mr. ALDRICH. I ask that the twenty-second rule may be read, and perhaps the Senator will then change his mind.

The VICE-PRESIDENT. The Secretary will read the rule, as requested by the Senator from Rhode Island [Mr. ALDRICH]. The Secretary read as follows:

RULE XXII.—Precedents of motions.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. ALDRICH. I ask the Chair to decide as to what is the pending question. What question is pending before the Senate, Mr. President?

The VICE-PRESIDENT. The pending question is on the motion made by the Senator from Illinois [Mr. HOPKINS].

Mr. ALDRICH. It seems to me very clear, then, that the pending amendment can be committed under the twenty-second rule.

Mr. BAILEY. There is no bill pending before that committee to which this amendment would be in order. The rule clearly contemplated that the bill itself might be committed, but not an amendment to the bill.

Mr. ALDRICH. The bill itself is not pending, and will not be until the question comes up on its final passage.

Mr. BAILEY. If this bill is not now pending before this Committee of the Whole, then I confess my inability to understand the situation.

Mr. ALDRICH. The bill is pending before the Senate; but the pending question is on the amendment of the Senator from West Virginia [Mr. ELKINS] as modified or sought to be amended by other Senators.

Mr. BAILEY. In a sense, Mr. President, the pending amendment is the question immediately before the Senate.

Mr. GALLINGER. If the Senator will permit me—

Mr. BAILEY. Certainly.

Mr. GALLINGER. It seems to me very clear that the clause of the rule which has been read presupposes that the bill has been reported from a committee and that it may be committed again to the committee.

Mr. BAILEY. I think that is true; and I have no kind of question in my mind that it would be entirely in order to move to commit the bill.

Mr. GALLINGER. There is no doubt about that.

Mr. BAILEY. But it is not in order to move to commit an amendment offered to the bill. The question pending in the Senate is the bill in its broad and true meaning.

Mr. GALLINGER. Certainly.

Mr. BAILEY. And the immediate question pending to that bill, of course, is this amendment.

Of course, Mr. President, I understand that the majority of the Senate can, on a question of this kind, make a rule to suit itself; but I do not believe in a matter of this importance that is the best way to dispose of it. If the majority think it proper

to vote this down and then with their majority in committee to take it up again, or to introduce and refer a bill to the committee, it would seem that the committee could deal with it and could report. But I suggest—

Mr. McLAURIN. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. BAILEY. Certainly.

Mr. McLAURIN. How could the Committee on Interstate Commerce consider an amendment to a bill when they did not have the bill before them?

Mr. BAILEY. That is precisely the suggestion I was going to make in addition to the intimation I had given of that before. As I understand, a committee can only consider bills or resolutions referred to it. This is neither a bill nor a resolution. Probably in some cases which relate to an appropriation bill we have a rule under which amendments may be introduced to such a bill, referred to a committee, and reported, but that is under a peculiar or, at least, under a special provision of the rules.

Mr. BACON. Mr. President, I think the point of order raised by the Senator from Texas [Mr. BAILEY] is undoubtedly correct. It rests upon a very fundamental proposition known to general parliamentary law, and that is that when a parliamentary body is considering a proposition an amendment to that proposition can not be considered for final disposition separately from the main proposition and can not be disposed of under any general rule of parliamentary law independently of the original bill or the main proposition.

I desire to call the attention of the Chair to one feature which grows out of that general proposition and which is recognized as a universal rule in general parliamentary law. Under general parliamentary law the motion to lay an amendment upon the table can not be received and adopted without carrying the main proposition with it, and that is based upon the general proposition which I have just suggested, that to adopt a motion to lay an amendment upon the table would recognize the propriety of the disposition of an amendment in a manner independently of the disposition of the original proposition. Therefore it is that it is only when there is a special rule, such as we have in the Senate, which varies the general proposition that to that extent an amendment can be disposed of otherwise than by a direct vote either adopting or rejecting it.

It is manifest, Mr. President, that that general rule is a proper one, and for myself I have always regretted that we have a rule in the Senate which permits an amendment to be laid on the table independently of the original proposition. The purpose of laying a matter on the table is to temporarily pass from its consideration with the expectation thereafter of returning to its consideration, a purpose which manifestly can not be carried out in the case of an amendment, because when you lay an amendment on the table and pass on to other matters it is impracticable thereafter to return to its consideration. Therefore it is that the purpose under our rules of laying an amendment on the table is not the general purpose which is sought to be subserved in the laying of any matter on the table, but it is for the purpose of its permanent disposition, which is a perversion of the original purpose of the motion. That is so treated here, so that when an amendment is laid on the table it is permanently disposed of. The only difference between that and any other proceeding in reference to an amendment is that it allows the Senate to come to a vote without further debate upon it.

I only mention that for the purpose of illustrating the general proposition that an amendment to a proposition can not be disposed of by being referred to an independent body, or by any other disposition in any other manner than either by its adoption or its rejection, unless there is a special rule which authorizes it, as we have in the special rule of the Senate under which it can be laid upon the table.

Mr. President, the general proposition which I submit to the Chair as a sound one, and which I think can not be safely assailed, is that in the case of an amendment to a substantive proposition there is no way in which that amendment can be disposed of independently of the original proposition except by its rejection or its adoption, unless there is a specific rule which authorizes a different disposition, as is the case in our rules where a motion to lay upon the table is permitted.

I say, Mr. President, that is a fundamental proposition, and Senators may search the books and they may search the commentators on parliamentary law, and they will find no exception to it.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. If the Senator will pardon me, a motion to commit or to recommit a bill would carry with it all amendments.

Mr. BACON. Undoubtedly.

Mr. ALDRICH. Mr. President—

Mr. BACON. If the Senator will pardon me, unless he desires to ask me a question—

Mr. ALDRICH. I was going to ask a question.

Mr. BACON. I hope the Senator will pardon me for a moment.

Mr. President, the intimate connection between an amendment and the original proposition is not only illustrated by the general rule, as I have endeavored to state it, but it is further illustrated by the practice which is recognized in all parliamentary jurisdictions that a motion to dispose of amendments in any other way, as by a motion to lay it on the table, will carry with it in the same direction the original proposition. There are two ways in which the question of a motion to indirectly dispose of an amendment can be treated. One is to say it is out of order, as is practiced in some jurisdictions, and not to consider it; and the other is to say that it is in order, as, in fact, the regular rule; but if it prevails it carries with it the original proposition. In other words, the nexus between the two is so intimate that parliamentary law does not recognize the possibility of their severance, and one must go with the other. It is the unborn child which can have no life when sundered from the mother.

Mr. HOPKINS. Mr. President, the Senate, as well as the House of Representatives, is acting under a code of rules that has been adopted for its guidance. Such rules are paramount to any general parliamentary law or even to Jefferson's Manual, which was originally adopted by the Senate.

Under the rules of the House of Representatives this proposed amendment of the Senator from West Virginia would be ruled out of order, because under the rules of the House an amendment that is proposed to a pending bill must be germane. The bill that is pending here before the Senate is a bill that relates to the regulation of the rates of railroads—a subject that is entirely separate and distinct from the question that is raised by the amendment that was originally offered by the Senator from West Virginia [Mr. ELKINS].

I do not care, Mr. President, whether you call that amendment a question or an amendment. The name does not make the difference. It is a separate and distinct question from the proposition that is presented here in the bill that was reported by the Senator from South Carolina [Mr. TILLMAN]. If it is a separate question, the fact that the Senator from West Virginia calls it an amendment can not change the rules of the Senate. What is the rule of the Senate on that matter? It says:

When a question is pending no motion shall be received but * * * a motion to commit.

The question that is pending before us under the amendments covered by the motion I have made is nothing that relates to the fixing of rates or any question that is incident to the completion and perfection of the bill upon that subject; but, as I have observed, it is something separate and distinct and of such grave importance that the members of the Senate have been kept here for two days without being able to reach any conclusion whatever upon the subject. It seems to me that, with the rule before us, it is just as reasonable and as pertinent to adopt the motion here as it is to take the construction of the Senator from Texas. If this motion is adopted, we are simply giving a reasonable and pertinent construction to the rule itself. According to the argument of the Senator from Texas, he must give a construction to the rule in order to have his conclusions adopted, and the language is as open to the construction for which I contend as it is for that of the Senator from Texas. In view of the paramount importance of the question, it seems to me that the construction that this is a new question and that the committee can take jurisdiction of it under this motion should prevail.

Mr. LODGE. Mr. President, I am as anxious as anybody could possibly be to have this subject, which I think a large and complicated one, referred to a committee, so that before the conclusion of the session we may act upon it intelligently and better than we possibly can now; but I can not vote, Mr. President, to attain that result, which is easily attainable in an orderly manner and in conformity with what I believe to be parliamentary law, in a manner which I believe to be contrary to parliamentary law and contrary to the practice of the Senate.

An amendment has no existence except in connection with the measure to which it is proposed. When we send amendments to a committee to consider it is because the bill to which they are proposed is in a committee in a state of preparation; but this bill is before the Senate; it is not before the commit-

tee; and there is no bill before the committee relating to this subject. If there were a bill before the committee relating to this matter—the divorcing of railroads from the ownership of coal lands—it would be then perfectly proper to refer these amendments for the consideration of the committee in connection with that bill. But to take the amendment away from the bill by which alone it can have parliamentary existence, I do not believe can possibly be done.

I have looked as well as a very brief time would permit me to do so at the very full collection of precedents of the House which were prepared for the House, and there is not a suggestion in all the innumerable questions that have arisen about amendments and committal that a motion to commit could ever be applied to an amendment by itself. A motion to commit invariably applies—and every decision in this great work shows that it applies—to the bill, to the subject before the House, and not to an amendment to the subject or the proposition before the House. The first words of the eighteenth chapter on amendments are:

Under the rule relating to amendments the following motions are in order: To amend; to amend that amendment; for a substitute; and to amend the substitute.

These are all the motions that are in order in regard to an amendment.

Our standing rule simply establishes the order of motions. It does not say what we can commit. Those are the motions, in their order, which may apply to the proposition before the Senate, or, like a motion to adjourn, apply only to the action of the body and not to the proposition then pending.

Mr. SPOONER. The motion to commit must apply to the substantive proposition.

Mr. LODGE. The motion to commit, the Senator from Wisconsin suggests, must apply to some substantive proposition. The substantive proposition before the Senate is the bill, and nothing else. The amendment is a mere attachment proposed to the bill, which may come into existence, or may have no existence; but it is here only because the bill is here. If there was no bill here, nobody would suggest that an amendment could be discussed when no bill existed to which it could apply.

Mr. President, I can find nothing in the general parliamentary law that refers to anything but the committal of the subject before the body. There is an utter absence of any suggestion, in any volume of rules at which I have been able to look, that it was ever contemplated that an amendment by itself could be committed to a committee or referred separately from the main proposition.

I want to see this whole subject committed to a committee, with the understanding that it shall be reported on in proper form and dealt with before this session adjourns; but I think it ought to be done in an orderly way, and in conformity with the universal practice of the Senate and with the general principles of parliamentary law. If we want to commit these amendments to a committee, we have nothing to do but to introduce a resolution or a bill covering this subject, and then refer all the amendments as relating to that bill; but to refer amendments alone I do not think can possibly be done.

Mr. ALDRICH. The weakness of the contention of the Senator from Massachusetts is disclosed upon its statement. He says that if a bill were offered in the Senate and referred to the Committee on Interstate Commerce having reference to this subject, then these amendments could be taken out of the Senate and referred to that committee.

Mr. LODGE. An amendment to a bill pending in the committee could be referred, of course, to the committee. That is our practice.

Mr. ALDRICH. It seems to me that the Senator in conceding that gives away his whole case.

Mr. LODGE. Not the least in the world. There is no bill in the committee to refer the amendments to. You can not have amendments without a bill.

Mr. ALDRICH. It is not necessary to have any subject before the Committee on Interstate Commerce to refer another subject to that committee, I take it.

Mr. LODGE. If the Senator will excuse me, it is not a subject; it is an amendment you are proposing.

Mr. ALDRICH. What is an amendment but a subject, and what is an amendment but a motion, and what is an amendment but a question? If anybody can distinguish between a motion and an amendment and a question, as treated by parliamentary law, I should be very glad to have somebody discuss that point.

Mr. CULBERSON. Mr. President, will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. CULBERSON. On page 115 of Jefferson's Manual it is said:

1. It would be absurd to postpone the previous question, commitment, or amendment, alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of Senate says that when a main question is before the House—

The main question here is the bill to regulate commerce—

no motion shall be received but to commit, amend, or prequestion the original question, which is the parliamentary doctrine also.

Mr. ALDRICH. Those are questions pertaining to the original question, which is the bill itself, but I am discussing this question from the standpoint of the twenty-second rule, which says that any question pending—which in this case is simply an amendment—can be committed, and that a motion to commit is in order.

The Senator from Georgia [Mr. BACON] claims that because the Senate has provided in its rules that an amendment can be laid upon the table without carrying the main question, therefore, that is a reason why this motion can not be made.

Mr. BACON. The Senator entirely misunderstands me.

Mr. ALDRICH. By inference that is what the Senator said.

Mr. BACON. Oh, no; that is not the reasoning at all.

Mr. ALDRICH. Then I did not understand the Senator and I could not understand him. Of course the reason why a motion to lay on the table is made—

Mr. BACON. Will the Senator permit me to state it? He says he did not understand it.

Mr. ALDRICH. Certainly.

Mr. BACON. I was simply using that by way of illustration—

Mr. ALDRICH. That is what I understood.

Mr. BACON. Pardon me a moment—by way of illustration showing that that particular thing itself could not be done, it being made an exception by special rule of the Senate.

Mr. ALDRICH. Why?

Mr. BACON. And that, in the absence of a special rule of the Senate, no such disposition under general parliamentary law could be made of an amendment. Under general parliamentary law a motion to lay an amendment on the table is practically not in order.

Mr. ALDRICH. The Senator is mistaken about that.

Mr. BACON. I am not.

Mr. ALDRICH. The Senator is mistaken about it.

Mr. BACON. Pardon me a moment. I stated to the Senate that—

Mr. ALDRICH. I will yield to a question, but I do not care about the Senator's enunciation of general parliamentary law. It would take too long, and he can do that in his own time.

Mr. BACON. I do not desire to do it in my own time. The Senator said he did not understand me. Of course, if he does not wish to allow me to go on, I will not obtrude.

Mr. ALDRICH. I understood the Senator merely wanted to ask a question. The Senator says that under general parliamentary law a motion to lay an amendment upon the table is not in order. The Senator is entirely mistaken about that.

Mr. BACON. I started to say to the Senator—

Mr. ALDRICH. If the Senator will permit me—

Mr. BACON. The Senator will certainly permit me to set myself correct.

Mr. ALDRICH. Very well.

Mr. BACON. I said distinctly, when I was on the floor before, that there were two modes of procedure. One practice was to rule it out of order altogether, and the other was, in other parliamentary schools, to hold it to be in order, but that it carried the original proposition with it if it prevailed. I distinctly stated that before.

Mr. ALDRICH. I never heard of any parliamentary school that said a motion to lay an amendment upon the table was not in order. There is no such parliamentary school.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New Hampshire?

Mr. ALDRICH. Not now.

There is a general rule—I might say a universal rule—of parliamentary law that when an amendment is laid upon the table it carries the main question with it; and it was necessary, in order that the action could be otherwise here, that a special rule should be adopted for that purpose. That is all there is of that question.

Mr. BACON. The Senator is mistaken in saying that that is all there is of it, from the fact that there are parliamentary schools and practices in which the opposite is done, where simply, instead of ruling that it carries the original proposition with it, they adopt the device of saying it is not in order at all.

Mr. ALDRICH. I know of no such school.

Mr. BACON. I do.

Mr. ALDRICH. If the Senator will present some papers or documents or statements or books here that will carry out that idea, I shall be very glad to see them; but I never heard that question raised before.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New Hampshire?

Mr. ALDRICH. Not just now.

The VICE-PRESIDENT. The Senator from Rhode Island declines to yield.

Mr. ALDRICH. It seems to me perfectly plain that this is a substantive proposition, which has to be disposed of in some way. It can be disposed of by being laid upon the table, it can be disposed of by postponement, it can be disposed of by commitment, not only under the rules of the Senate, but under ordinary parliamentary law.

The Senator from Massachusetts says he has looked through the books, and the Senator from Georgia has said that there is nothing of the kind in the books. They must have overlooked the question itself, because the parliamentary law as understood in the Senate is Jefferson's Manual, which was made years ago the authority of the Senate upon all questions of parliamentary law not included within the Senate rules. I call attention to page 106, where it is said in terms:

A particular clause of a bill may be committed without the whole bill.

Mr. LODGE. But not an amendment.

Mr. ALDRICH. If we can commit a clause, we certainly can commit an amendment or a proposed clause. The only difference is that one is a clause and the other is a proposed clause. In the wide search of the Senator from Massachusetts and the Senator from Georgia they seem to have overlooked that.

Mr. LODGE. I read it yesterday when I was looking up this question, but it has no bearing upon it whatever.

Mr. ALDRICH. It has every bearing.

Mr. LODGE. Nobody denies that you can commit a bill or a part of a bill. But that is not an amendment.

Mr. ALDRICH. If you can commit a clause of the bill, you certainly can commit an amendment, by inference; at least it seems to me so.

I am only anxious for this question to be decided. So far, up to this time, at least, there has been no rule or precedent of parliamentary law cited by either of the Senators against the proposition as laid down by the Senator from Illinois.

Mr. GALLINGER. Mr. President, I simply rose to ask the Senator from Rhode Island a question. On page 4, commencing at line 18, the bill reads:

Any common carrier subject to the provisions of this act receiving freight in the United States, etc.

If I should move to amend by inserting after the words "United States" the words "except freight from the Republic of Cuba or the Philippine Islands," I will ask the Senator from Rhode Island whether he thinks he could move to commit that either to the Committee on Interstate Commerce or the Committee on Relations with Cuba?

Mr. ALDRICH. My contention is that the Senate, by a majority vote, can commit any pending question, whether it is great or small, to a committee of this body.

Mr. GALLINGER. I have only this to say: I am so clear that the contention of the Senator from Rhode Island is wrong that if I have an opportunity I shall vote against it. I think the point of order made by the Senator from Texas is absolutely sound, both under our own rules and general parliamentary law; and, while I am just as anxious as any Senator possibly can be to have this matter disposed of as speedily as possible, I shall not, for the purpose of expediting the work of the Senate even on so important a bill as this, vote to violate what I think is clearly both the rule of this body and of general parliamentary law.

Mr. ALDRICH. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. ALDRICH. I am just as anxious as is the Senator from New Hampshire that this question shall be decided properly. I have no feeling about whichever way it may be decided. I should like to ask the Senator whether, in his judgment, the first section of this bill could be recommitted to the Committee on Interstate Commerce without the remaining portion of the bill?

Mr. GALLINGER. Yes, under Jefferson's Manual; and that is the only authority I have discovered. I believe Jefferson's Manual is a portion of our rules, although it is not very often observed or referred to, and if it were referred to and observed it would cut off a good deal of debate in the Senate. I think

I will in the future call attention to two or three provisions in Jefferson's Manual which, if observed, will expedite our business.

Mr. ALDRICH. Then the Senator does think the Senate can refer a particular clause—

Mr. GALLINGER. Yes, of the original bill, under Jefferson's Manual. That is the English rule. But it is rarely ever enforced or observed.

Mr. ALDRICH. Suppose we adopt this amendment. Then it could be immediately taken from the bill and referred to the Committee on Interstate Commerce.

Mr. GALLINGER. I have no idea that the Senate would do that.

Mr. LODGE. Not until it has passed all its stages.

The VICE-PRESIDENT. The Senator from New Hampshire has the floor.

Mr. ALDRICH. The interjection of the Senator from Massachusetts renders this matter even more absurd, because if it can not be done until it has passed all its stages, then it can not be done, because the rules of the Senate and general parliamentary law—

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. The Senator from New Hampshire is entitled to the floor.

Mr. GALLINGER. I simply want to add a word. The Senator from Rhode Island declined even to allow me a question. I hope he will not take all my time. I am not going to occupy much time in this debate. I think ten minutes will cover all the time I have occupied.

I will say to the Senator from Rhode Island that under Jefferson's Manual the first section of the bill could be referred to the committee if the Senate in its wisdom concluded to do so, but I have not any idea that the Senate ever would do that. It is an English system which we have never invoked in our legislation, so far as I know. There may have been isolated cases—

Mr. ALDRICH. Will the Senator allow me one further question?

Mr. GALLINGER. Yes.

Mr. ALDRICH. If the amendment offered by the Senator from West Virginia should be adopted and become a part of the bill, could we recommit it?

Mr. GALLINGER. The bill?

Mr. ALDRICH. Not the bill; but this clause.

Mr. GALLINGER. Under Jefferson's Manual we could recommit section 1, I think, but that rule has never been invoked in this body during the fifteen years of my membership, and I do not think the Senate would think it was a wise procedure.

Mr. President, I simply wish to say a word. If we can commit the pending amendment, we can commit any amendment that may be offered to this bill, and it would be an absurd procedure for this body or any body to commit amendments to a committee when the proposition itself was not before that committee. I do not believe the Senate is going to sustain a contention of that kind.

Mr. BACON. Mr. President, I wish to say just one word in response to the suggestion of the Senator from Rhode Island as to what is meant by the clause which he finds on page 106. Anyone who has any familiarity with the construction of opinions rendered by courts will readily recall the fact that you can take an isolated sentence and prove almost anything unless you examine the context or unless you look to the particular subject-matter under consideration at the time of the decision. All courts recognize that in the construction either of statutes or of judicial opinions those matters have to be looked into in order to arrive at the correct meaning.

I have no doubt that the rule as laid down on page 106 is a correct rule so far as it is applicable, and it is a very easy matter to give an illustration which will show how that rule may be construed broadly and still be very limited in its application. Suppose we had no general Appropriations Committee and that the appropriations which relate to all of the various Departments of the Government were in a single bill, in which provision was made for the Army, and provision for the Navy, and also provision for the Post-Office Department. When it came before the Senate it would be perfectly in order, under such a rule as that, to distribute the part of the appropriation bill which related to the Army to the Committee on Military Affairs, the part of the bill which related to the Navy to the Committee on Naval Affairs, and the part of the bill which related to the Post-Office Department to the Committee on Post-Offices and Post-Roads. That is an entirely simple matter, and it is matters of that kind which are contemplated by this rule which he cites from page 106. The Senator can not find,

and I issue the challenge broadly to him, in any reputable work any authority for the proposition that when a substantive proposition—a concrete proposition—is before a body and an amendment is offered to that proposition it is in order for the body to proceed with the consideration of the original proposition and send the amendment to the consideration of a committee.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BEVERIDGE. I thought the Senator from Georgia was through.

Mr. BACON. I am through.

Mr. ALDRICH. I should like to make a suggestion to the Senator from Georgia.

Mr. BEVERIDGE. Go ahead.

Mr. ALDRICH. It seems to me he is laying down a proposition here for which he ought to furnish some authority. I will say that he can not find in the whole range of parliamentary law or the whole range of parliamentary precedents any rule or precedent which will sustain his contention.

Mr. BACON. It is very hard to find rules which prove a negative.

Mr. BEVERIDGE. Mr. President, this question was settled yesterday when the Senate voted upon the proposition whether a motion to lay on the table was in order. They held that it was in order. I did not vote that way and thought that the conclusion of the Senate was erroneous. But the majority was overwhelming, and of course it is decisive. What was that? The whole question here is whether or not an amendment is a question. The rule reads:

When a question is pending no motion shall be received but—

Among others—

To lay on the table.

To commit.

Yesterday the Senate decided, by a vote of 49 to 29, that an amendment is a question for the purpose of moving to lay it on the table within this rule. If yesterday an amendment was a question for the purpose of moving to lay it on the table within this rule, why is it not to-day a question for the purpose of moving to commit it under the rule? Unless the decision of the Senate yesterday, which I then thought and still think was wrong and revolutionary, was wrong and revolutionary, the action of the Senate yesterday by an overwhelming majority must conclude the Senate to-day. Yesterday when the question was whether the motion to lay on the table was in order, I voted "nay," and I still maintain that view; but I will ask the Senator from Massachusetts or the Senator from Georgia why, if an amendment on yesterday was a question within this rule for the purpose of moving to lay it on the table, it is not to-day a question for the purpose of moving to commit it?

Mr. LODGE. If the Senator wants me to answer I will.

Mr. BEVERIDGE. I do.

Mr. LODGE. I do not think it has any bearing on the question we are discussing.

Mr. BEVERIDGE. Of course that is a very lucid answer. I trust it is conclusive to the Senator from Massachusetts—

Mr. LODGE. I very much hope the Senator from Indiana understood it. I tried to make it lucid.

Mr. BEVERIDGE. I trust it is conclusive to the Senator if not to anybody else. He can not solve this question or convert anyone by mere impatience.

Rule XXII reads:

When a question is pending, no motion shall be received but—

To do what?

To lay on the table.

To lay what on the table? To lay the question on the table. What was it the Senate agreed that it was in order to lay on the table yesterday? The question. What was the question? This particular amendment. The rule simply says that when a question is pending a motion to commit is in order. To commit what? The question? What is the question? The amendment which yesterday we held that it was in order to move to lay on the table. So, if the action of the Senate yesterday was correct, the motion to commit must necessarily be in order now.

Mr. McLAURIN. Mr. President, I think the Senator from Indiana [Mr. BEVERIDGE] is mistaken when he says the only thing we have to determine is whether this is a question, and I think he is mistaken in the reading of Rule XXII. The rule reads:

When a question is pending, no motion shall be received but—

To adjourn, etc.

It does not say that when a question is pending it shall be in order to move to adjourn, to commit, etc. But—

No motion shall be received but—
To adjourn.
To adjourn to a day certain. * * *
To take a recess, etc.

Now, this must be construed reasonably. It never was intended that the rule should require the doing of an idle thing, and it never was supposed that the Senate would so construe the rule. It may be there are clauses in bills which can with propriety be separately committed to a committee; but when it speaks of a motion to commit, it must be a motion to commit a question that is referable, not a question that is not referable, not a question that may not be committed without doing an idle thing.

If an amendment to a bill or to a section of a bill is committed to a committee, it must carry with it the bill, unless the commitment is supposed to do an idle thing. For how could the committee consider an amendment to the bill without having the bill before the committee? Suppose these amendments were committed by this motion to the Committee on Interstate Commerce, and suppose that the committee starts out to consider the amendments. How is the committee going to give any intelligent consideration to the amendments without the bill being before the committee to consider in connection with the amendments and to consider how the amendments would affect the bill or would affect the sections they are intended to amend? It would be an idle ceremony to commit these amendments to the committee without the bill for their consideration, because when you got them into the committee there would be no amendment to anything so far as the committee is concerned. It would not be an amendment to the bill, because the committee would not have the bill to consider. The committee would have no amendment to any bill.

Mr. ALDRICH. Will the Senator from Mississippi allow me to ask him a question?

Mr. McLAURIN. Certainly; with pleasure.

Mr. ALDRICH. Does the Senator agree that the amendment of the Senator from West Virginia involves an entirely distinct and separate proposition from anything contained in the bill?

Mr. McLAURIN. It does not.

Mr. ALDRICH. Oh, it certainly does.

Mr. McLAURIN. It is an amendment to the bill.

Mr. ALDRICH. It is an amendment to the bill technically, but it involves the consideration of a new proposition entirely; absolutely distinct and separate from anything that is now in the bill.

Mr. McLAURIN. Will the Senator let me ask him a question? How is the committee to know that without having the bill before it?

Mr. ALDRICH. I think they would know it by reading the proposition itself.

Mr. McLAURIN. I do not think it is to be presumed that they would know it intuitively.

Mr. ALDRICH. I think, unless they are lacking in intelligence, they would understand that.

Mr. McLAURIN. They would know it was an entirely different proposition from anything—

Mr. BEVERIDGE. Will the Senator from Mississippi allow me to ask him a question?

Mr. McLAURIN. Certainly.

Mr. BEVERIDGE. Does the Senator think that this amendment, which involves the question of preventing railroads from indulging in mining coal, or transporting it, as their own, is a question? Does the Senator think the amendment states a question to the Senate?

Mr. McLAURIN. It states a question, but not a question that is referable without the bill.

Mr. BEVERIDGE. I wish to follow that question by another one. If it does state a question, and that question is, under the rule, such a one as anyone may move to lay on the table, why is it not also a question, under the rule which names them both, which anyone may move to commit?

Mr. McLAURIN. Whenever a question is before the Senate that can be committed, it must be a question which it would be reasonable to commit; it must be a referable question.

Mr. BEVERIDGE. But, Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Indiana?

Mr. McLAURIN. Yes; if the Senator will let me finish answering his question.

Mr. BEVERIDGE. Yes; I will.

Mr. McLAURIN. I do not think a motion to lay an amendment on the table is permissible, so far as that is concerned—

Mr. BERRY. Will the Senator permit me for a moment?

Mr. McLAURIN. Certainly.

Mr. BERRY. If precedent has anything to do with it, I suggest to the Senator that he will find a thousand precedents where amendments have been laid on the table; and he can not, I think, find one where an amendment was ever committed to a committee by the Senate.

Mr. McLAURIN. That is a complete answer to the Senator's question.

Mr. BERRY. It is universal to table amendments—at least, it has been the practice for the last twenty years; but I do not think the Senator from Rhode Island can find a single precedent where an amendment has ever been committed to a committee without the bill being committed also.

Mr. BEVERIDGE. But, Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Indiana?

Mr. McLAURIN. Certainly.

Mr. BEVERIDGE. One sentence is sufficient. We yesterday established a precedent which brings this within the rule. I ask the Senator whether it is a question of discretion, under the interpretation put upon this rule by the Senate, by an overwhelming vote, when the rule says "when a question is pending no motion shall be received but," and then names exceptions, thus permitting those motions to be made, and among those exceptions are "to lay on the table" and "to commit?" Those two motions are in order. To commit what? A question. Is not an amendment a question? Yesterday the Senate decided it was, for that purpose.

Mr. McLAURIN. The Senator asked permission to ask me a question. I hope he will not make a speech in my time.

Mr. BEVERIDGE. Yesterday the Senate decided that it was a question for the purpose of making one of the motions named in the rule. Why is it not to-day also a question for making another motion named in the rule?

Mr. McLAURIN. I have tried to answer the Senator. The Senator made a mistake in the reading of this originally, but now comes back to the correct reading. This does not presuppose that all of these motions may be made under any circumstances, or that any one of these motions may be made under all circumstances. But "when a question is pending, no motion shall be received but," etc.; that is, if the amendment itself is pertinent and permissible, then it may be made when the question is pending. It does not follow, simply because when they are pertinent and when they are logical and when they are permissible, they may be made, that, therefore, under all circumstances, or under any circumstances, they may be made. It would be an idle thing, it would be an absurd thing—I do not say it offensively, but it seems to me it would be an absurd thing—to refer an amendment to a committee without referring the bill, or to refer an amendment to a section without referring the section.

Now, I put it to any Senator, how could a committee consider an amendment to a bill without having the bill before it for consideration? Can it be done? If it can not be done, then would it not be an idle thing to undertake to compel the committee to consider an amendment—and that is what it means when it is referred to the committee—to the bill without the committee having the bill before it so that it could see what application the amendment had to the bill?

Mr. BEVERIDGE. I do not want to take all of the Senator's time. In the Senate it is competent to offer any kind of an amendment. It is not as it is in the House, where the amendment must be germane.

Mr. McLAURIN. I understand that an amendment ought to be germane, or it is not permissible.

Mr. BEVERIDGE. No; I will ask my question. Suppose some Senator was to propose an amendment upon an absolutely different subject, something which had to do with our foreign affairs or something of that kind. It would be proper to offer such an amendment in the Senate, within the discretion of any Senator. But it would involve a subject which had nothing whatever to do with the pending bill. Does the Senator mean to say that the Senate could not refer that amendment to a committee without committing the bill with which it had nothing to do?

Mr. McLAURIN. I mean to say that I do not admit the premises of the Senator from Indiana.

Mr. GALLINGER. If the Senator will refer to the rules, he will observe that an amendment of that nature would be submitted by the Chair to the Senate for determination as to whether it is germane. We have a specific rule on that point.

Mr. McLAURIN. That is correct, and it is a complete answer to the Senator from Indiana. I do not admit his premises.

Mr. President, I rose merely to say a few words in reference to the reasonableness or idleness of referring an amendment

without the bill, and the impossibility of the consideration of the amendment by the committee without the bill, and to say that if there is any disposition to kill the amendment, the best way to do it is to vote it down. It can be voted down, if Senators desire to do so, and it can be gotten rid of in a direct way without doing a thing which would be utterly idle and a thing which it would be impossible for the committee to do.

Mr. LODGE. Mr. President, I desire to make clear what perhaps I did not make clear when I first addressed the Senate on this point. Under our rules, or under our practice, at least, an amendment to a bill pending before a committee can be referred to that committee for consideration during the pendency of the bill in the committee. If this bill were before the Committee on Interstate Commerce, we could refer an amendment to that committee to consider it in connection with the bill. It is a voluntary proceeding, and proceeds usually by unanimous consent, or the introducer may ask to have the amendment lie on the table. If a bill relating to the subject was now before the Interstate Commerce Committee, we could refer amendments to it on request in the usual way.

My point, and my sole point, here is that the bill to which is offered this amendment, which it is now proposed to refer, is here in the Senate, and no amendment can be detached and sent off into the air where no bill exists. The amendment draws its whole vitality from the bill, the main proposition, to which it is offered.

Now, under the old rules of the Senate a motion to lay on the table was always in order, but so closely were bill and amendment united that it was of no value in shortening debate on amendments, because it was held that the motion to lay on the table, applied to an amendment, carried the bill with it; and we owe it to the Senator from Maine that we read in our rules to-day—

Any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

And, again—

When an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice such measure.

Now, that, and that alone, is what has made the motion to lay an amendment on the table effective in shortening debate, because under the old rule the motion to lay the amendment on the table carried the entire subject with it, the amendment was so wholly a part of the bill before the Senate.

Mr. President, in reference to the suggestion of laying a question on the table, I will say we are not laying a question on the table. We are laying an amendment on the table, or we are laying the bill on the table. There are questions which come before the Senate, like the motion to adjourn or the motion to take a recess to a time certain, which are not open to the motion to commit. This rule of precedence of motions has nothing whatever to do with the question that is before us here, and that question is simply this: Can you commit to a committee an amendment to a bill when the bill is not before the committee, but is here in the Senate? Can you detach an amendment and send it to a committee? Would it be suggested that any Senator, under our practice, could introduce an amendment—not to any bill, just an amendment—and send it to committee? Of course, it has to have a bill in order to exist.

Mr. ALDRICH. I remember very many times in the history of the Senate when amendments have been offered to a bill which could be sent to another committee than the one from which the bill came or to a committee without any reference to the bill itself. For instance, I remember that on the Army appropriation bill the so-called "Platt amendment" was offered in reference to affairs in Cuba, involving a code of laws practically for the government of the Republic of Cuba. Does any Senator say that that could not have been sent to the Committee on Foreign Relations?

Mr. TELLER. It was not, was it?

Mr. ALDRICH. It was not; but it was considered by unanimous consent because of the overwhelming necessity for action. I think neither the Senator from Colorado nor any other Senator would contend that it would not have been in order to move to refer that amendment to the Committee on Foreign Relations or the Committee on Cuban Relations.

Mr. BEVERIDGE. We can not hear the Senator's interesting remarks here.

Mr. ALDRICH. I have known of a great many other cases where bills that were not in any sense germane to a pending bill were offered as amendments.

Mr. TELLER. And adopted?

Mr. ALDRICH. Sometimes adopted and sometimes otherwise.

Mr. TELLER. Did the Senator ever know of an isolated

amendment being sent alone to a committee? If he did, I wish he would tell us when it was done.

Mr. ALDRICH. I think this is a question of power and not a question of precedent.

Mr. BAILEY. If the Senator from Massachusetts will permit me, I wish to ask the Senator from Rhode Island a question. Suppose a committee—

Mr. LODGE. I wish the Senator from Texas, who is going to direct a question to the Senator from Rhode Island, would let me finish first what I have to say.

Mr. BAILEY. Then I will direct my question to the Senator from Massachusetts.

Mr. LODGE. I will yield to the Senator.

Mr. BAILEY. Suppose a committee having in charge a bill were to report to the Senate an amendment, plainly that would not be in order; and so it seems to me neither would it be in order for the Senate to send to the committee having no bill an amendment to it.

Mr. LODGE. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] has just called my attention to a passage in Jefferson's Manual which I did not notice yesterday, and which occurs at a point where I had not looked, but which seems to me to indicate the principle which we have been discussing.

Mr. BURROWS. On what page?

Mr. LODGE. On page 115:

Suppose a motion for the previous question—

Mr. ALDRICH. That has already been read by the Senator from Georgia.

Mr. GALLINGER. Let it be read again. It was not heard.

Mr. LODGE (reading)—

or commitment, or amendment of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question—

I did not hear the Senator from Georgia read it.

Mr. GALLINGER. The Senator from Texas read it.

Mr. BACON. It was the Senator from Texas.

Mr. LODGE (reading)—

It would be absurd to postpone the previous question—

Which of course we do not have here—

commitment, or amendment alone, and thus separate the appendage from its principal.

That is the whole point in this question. The amendment is an appendage. The point is not to lay a question on the table; it is to lay an amendment or a bill or a motion on the table. Here the point is to commit an amendment separately from the bill, and that is the only point involved.

Mr. GALLINGER. It is an appendage.

Mr. LODGE. I have been utterly unable to find that the matter has even had enough standing in any parliamentary body to have ever been considered.

Mr. BAILEY. Mr. President, I wish to make merely one suggestion. While the Senate is considering this matter in Committee of the Whole the Senate must report to the Senate, and the Senate in Committee of the Whole can not refer this or any other matter to another committee. I find on page 107 of the Manual a statement that—

A committee, even of the whole, can not refer any matter to another committee.

That probably refers to the rule of the House; but it would seem to me a rather anomalous procedure for a Committee of the Whole to take action referring a given subject to a committee of the Senate instead of to the Senate itself.

Mr. ALDRICH. But, Mr. President, the Committee of the Whole, as the words Committee of the Whole are used there, have no reference to the Committee of the Whole in the Senate, but to the Committee of the Whole in the House. The purpose, I assume, of the Senator from Illinois in making the motion was that we might be brought to some conclusion upon this question. It looks to me as though we are liable to have more discussion on the preliminary question than perhaps on the main question.

Mr. McLAURIN. Mr. President, I would like to make one further suggestion. If by Rule XXII, "when a question is pending, no motion shall be received but," it is intended to say that all these motions may be made in reference to the question, could a motion be made to commit a motion to take a recess, or to commit a motion to lay on the table, or to commit a motion to postpone indefinitely, or to commit a motion to adjourn?

The VICE-PRESIDENT. The Senator from Texas raises a point of order against the motion of the Senator from Illinois to the effect that the motion is not in order under the rules of the Senate. The Chair finds no sanction for the motion in the well-recognized practice and usage of the Senate. The Chair

will, therefore, leave the question to the determination of the Senate itself, as it is entirely within its competency to decide whether the motion is in order or not.

Mr. LODGE. On that question let us have a roll call.

The VICE-PRESIDENT. All who are of opinion that the motion of the Senator from Illinois is in order—no, those who are of opinion that the point of order of the Senator from Texas is well taken will vote "aye," and those opposed "no." Upon this proposition the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. BERRY. How is the proposition to be put?

The VICE-PRESIDENT. Is the point of order of the Senator from Texas well taken?

Mr. ALDRICH. I would suggest that it is the usual practice to submit to the Senate the question whether the motion is in order.

The VICE-PRESIDENT. It can be put in either form. It may be better understood if it is put as the Chair first suggested, Is the motion of the Senator from Illinois in order?

Mr. HALE. Yes; that is better.

The VICE-PRESIDENT. Those who are of opinion that the motion is in order will vote "yea" as their names are called, and those opposed "nay." The Secretary will call the roll.

The Secretary called the roll; and the result was—yeas 25, nays 48, as follows:

YEAS—25.

Aldrich	Dick	Hopkins	Sutherland
Ankeny	Dolliver	Knox	Warner
Beveridge	Dryden	McCumber	Warren
Carter	Flint	Millard	Wetmore
Clark, Wyo.	Foraker	Nelson	
Crane	Fulton	Nixon	
Cullom	Hansbrough	Piles	

NAYS—48.

Allee	Clay	Kean	Overman
Bacon	Culberson	Kittredge	Perkins
Bailey	Daniel	La Follette	Pettus
Berry	Dubois	Latimer	Platt
Brandegee	Elkins	Lodge	Rayner
Bulkeley	Foster	McCreary	Scott
Burkett	Frazier	McEnery	Simmons
Burnham	Frye	McLaurin	Spooner
Burrows	Gallinger	Martin	Stone
Clapp	Gamble	Money	Tallaferro
Clark, Mont.	Gearin	Morgan	Teller
Clarke, Ark.	Hale	Newlands	Tillman

NOT VOTING—16.

Alger	Carmack	Hemenway	Patterson
Allison	Depey	Heyburn	Penrose
Blackburn	Dillingham	Long	Proctor
Burton	Gorman	Mallory	Smoot

The VICE-PRESIDENT. Upon the question as to whether the motion of the Senator from Illinois [Mr. HOPKINS] is in order the yeas are 25 and the nays 48. The Senate decides that the motion is not in order. Do the friends of the amendment of the Senator from West Virginia [Mr. ELKINS] desire to make further amendment thereto? [A pause.] The question recurs on the amendment in the nature of a substitute proposed by the Senator from Mississippi [Mr. McLAURIN].

Mr. McLAURIN. Mr. President, if I am at liberty to modify it—

The VICE-PRESIDENT. The Senator has such privilege.

Mr. McLAURIN. I will ask that the amendment be withdrawn and that what I send to the desk be substituted.

The VICE-PRESIDENT. The Secretary will read the amendment of the Senator from Mississippi as modified.

The SECRETARY. In lieu of the amendment proposed by the Senator from West Virginia [Mr. ELKINS] insert:

From and after May 1, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or District of the United States to any other State, Territory, or District of the United States or to any foreign country any article or commodity manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. HALE. Mr. President, I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Maine moves to lay the amendment just read on the table.

Mr. CLAY. Will the Senator withhold that motion for just a minute? I wish to call the attention of the Senate to the fact that this amendment is a great improvement on the amendment of the Senator from West Virginia. That amendment provides that—

It shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity to engage in interstate commerce.

In other words, it provides that the carrier engaged in this business shall not engage in interstate commerce. That is a very serious matter to the public.

The VICE-PRESIDENT. The Chair will state that unless

the Senator from Maine withholds his motion debate is not in order.

Mr. CLAY. I understood the Senator to yield.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. CLAY. Will the Senator withhold his motion just two minutes? It will not take me two minutes.

Mr. BACON. Mr. President—

Mr. HALE. Mr. President, it is very apparent to me that we shall make no progress unless we dispose of these amendments.

Mr. ALDRICH. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. I should like to inquire whether an amendment to an amendment can be laid on the table without carrying the amendment?

The VICE-PRESIDENT. The Chair understands that it can. The question is on agreeing to the motion of the Senator from Maine to lay the amendment of the Senator from Mississippi [Mr. McLAURIN] to the amendment on the table.

Mr. BACON. Mr. President, I wish to submit a point of order.

The VICE-PRESIDENT. The Senator from Georgia will state his point of order.

Mr. BACON. My point of order is that, while the motion to lay upon the table may be in order under certain circumstances, it is not in order as long as any Senator desires to speak upon this subject. I will state the reason.

Mr. ALDRICH. I made another point of order, and—

Mr. BACON. I have not stated the point yet. My point of order is that we are not proceeding under the general rules of the Senate, but we are proceeding under a special-consent agreement, and in the absence of that special consent there will be nothing in order with reference to amendments except to debate them. Any authority for voting upon an amendment now is found in the consent order and in that alone. Otherwise an amendment would not be in order to be voted on until the bill came up for final disposition. Being a part of the consent order, all of the consent order must be taken, which provides that it is to be disposed of after debate, fifteen minutes to each Senator. That is the consent order, and the order is absolutely nullified if this ruling is sustained.

The VICE-PRESIDENT. The Chair is of opinion that the Senate construed the unanimous-consent agreement yesterday.

Mr. BACON. Will the Chair permit me?

The VICE-PRESIDENT. Certainly.

Mr. BACON. I suggest to the Chair that yesterday there was no question as to whether any Senator desired to speak.

The VICE-PRESIDENT. The Chair understands that the Senate decided yesterday that a motion to lay an amendment on the table was in order under the unanimous-consent agreement; and the Chair construes the motion to lay on the table as a nondebatable question under the well-recognized rules of the Senate. Therefore the Chair will not entertain debate if the Senator from Maine insists upon his motion.

Mr. HALE. I do insist upon it.

Mr. BAILEY. Mr. President—

Mr. ALDRICH. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his point of order.

Mr. ALDRICH. It is not possible to lay an amendment to an amendment on the table without laying the entire amendment on the table.

Mr. BAILEY. It will save all that trouble if the Senator from Maine will withhold his motion and let the Senator from Mississippi [Mr. McLAURIN] withdraw his substitute. We will then vote directly on the Elkins amendment and save all trouble.

Mr. McLAURIN. Before doing that I desire to make a parliamentary inquiry. Should the amendment of the Senator from West Virginia be voted down, will the amendment that I have offered then be in order if it should be withdrawn now?

The VICE-PRESIDENT. Any amendment would be in order as an independent proposition if the amendment of the Senator from West Virginia should be voted down.

Mr. McLAURIN. Then, to save the point of order of the Senator from Rhode Island, I withdraw the amendment and will allow a vote to be taken on the amendment of the Senator from West Virginia.

Mr. HALE. Then I withdraw the motion to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Maine withdraws his motion and the Senator from Mississippi withdraws his amendment.

Mr. MONEY. Mr. President, I rise—

The VICE-PRESIDENT. Let the Chair state the parlia-

mentary status of the question before the Senate. The junior Senator from Mississippi [Mr. McLAURIN] withdraws his amendment in the nature of a substitute to the amendment of the Senator from West Virginia [Mr. ELKINS]. The Senator from Maine [Mr. HALE] has withdrawn his motion to lay the same on the table.

Mr. MONEY. I wish to ask a parliamentary question.

The VICE-PRESIDENT. The senior Senator from Mississippi will state his parliamentary question.

Mr. MONEY. I understood a moment ago—I will be corrected by the Chair if mistaken—that the Chair stated that the action of the Senate yesterday was that when a motion was made to table an amendment that motion was in order under the general-consent agreement. I wish to ask this question of the Chair: If that is true, will there be any debate at all on any amendment if any Senator chooses to make a motion to table? And how can the consent to debate this question be enforced if any Senator can rise in his place and move to table an amendment when it is presented? It certainly cuts off all debate. The intention of this general consent, it must be admitted by every Senator here, was to have an agreement for a fair debate on this question and all amendments pending and that may be offered. The motion of the Senator from Maine [Mr. HALE] was, in my opinion, clearly out of order; otherwise it closes debate on this whole question.

Mr. HALE. I have just withdrawn the motion.

The VICE-PRESIDENT. The Senator from Maine has withdrawn the motion.

Mr. MONEY. I was asking for information of the Chair, if the rule as he stated it was correct, what becomes, then, of the power of debate? What was the object of the unanimous-consent agreement?

The VICE-PRESIDENT. The Chair will state that the unanimous-consent agreement apparently arrested the regular rule of the Senate with respect to moving to lay amendments upon the table, and that the construction put upon the unanimous-consent agreement by the Senate yesterday does not change the ordinary rule.

Mr. FRYE. Mr. President, I understand that the Senate yesterday determined that a motion to lay on the table is in order after discussion. I do not understand that it went any further. I do not understand that the Senate has determined that now a motion to lay on the table may be in order the moment an amendment is offered.

Mr. TELLER. Mr. President, I think the Senate yesterday, simply as suggested by the Senator from Maine [Mr. FRYE], decided that the question of determining when debate should close was with the Senate; and that is all that there was of it. The vote on the motion to lay on the table shows that the question was determined without reference to the particular amendment then pending. It was simply reserving to the Senate the right, after proper debate—which, of course, the Senate must determine—to lay on the table. If any Senator moves to lay an amendment on the table before the discussion has taken place or before the Senate thinks a sufficient amount of discussion has taken place, it is certainly within the power of the Senate to refuse to lay it on the table. I think it could be safely left to the Senate to determine those questions.

Mr. President, this rule has been in force in the Senate ever since I have been a member of it, and I have never known it to be abused. I recall no instance where a motion has been made when any Senator appealed to the Senator making it to withhold it that he might make some remarks and he was not allowed to proceed, except, perhaps, in one or two cases some years ago, where, for particular reasons apparent to everybody in the Senate, it was desired that the Senator who was proposing to make remarks should be taken off the floor.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. ELKINS] as modified by the adoption of the amendment to it proposed by the Senator from New Jersey [Mr. DRYDEN].

Mr. ALDRICH. I hope the Senator from Mississippi [Mr. McLAURIN] will reoffer his substitute. If he does not, I will; because it seems to me that the amendment of the Senator from Mississippi is a very carefully prepared and conservative proposition.

Mr. CLAY. The amendment of the Senator from Mississippi is certainly a great improvement on the pending amendment; and I do not see how it can be improved.

Mr. McCUMBER. Mr. President, I rise to a parliamentary inquiry. I introduced a substitute yesterday for the amendment of the Senator from West Virginia, and I want to know the position of that substitute. It was placed before the Senate by the Chair and discussion was started on it. Now that the substitute offered by the Senator from Mississippi has been

withdrawn, I desire to offer the substitute which I offered yesterday and on which debate was partially had.

Mr. ALDRICH. I suggest to the Senator from West Virginia that if he will look carefully at this amendment he will be quite willing to accept it in place of his own.

Mr. McCUMBER. I think he will accept the one I proposed, and it is much shorter. I simply wish to know whether it can be offered now as a substitute?

The VICE-PRESIDENT. It is in order.

Mr. McCUMBER. I ask that it be read.

The VICE-PRESIDENT. It is in order unless the Senator from Rhode Island has offered the one that was withdrawn by the Senator from Mississippi.

Mr. McCUMBER. I should like to know, then, what became of the one offered yesterday and which was partially under discussion?

Mr. GALLINGER. It was read for the information of the Senate.

Mr. McCUMBER. No.

The VICE-PRESIDENT. The Chair did not hear the Senator from Rhode Island distinctly as to whether he proposes to offer the amendment withdrawn by the Senator from Mississippi?

Mr. ALDRICH. I did not formally offer it.

The VICE-PRESIDENT. Then the substitute proposed by the Senator from North Dakota is in order.

Mr. McCUMBER. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read it.

The Secretary read as follows:

From and after July 1, 1908, any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

Mr. McCUMBER. Mr. President, that is a very simple proposition, and I would ask any Senator to challenge its covering the whole subject in a very few words. It does not deal with commerce wholly within a State. It simply prohibits any common carrier, after a given time, July 1, 1908, not from engaging in interstate commerce, but from dealing in coal, coke, and other articles of commerce in interstate commerce, not from dealing within the State, but from dealing in interstate commerce.

Mr. BAILEY. Does the Senator from North Dakota believe that Congress could prohibit a railroad company from selling within a State commodities which it produces in that State?

Mr. McCUMBER. No; and that is the object of my amendment. The amendment as drafted by the Senator from West Virginia penalizes the company itself if it should attempt to do that. This amendment does not attempt to do that. I will say to the Senator from Texas that I do not consider that Congress has power to say to a corporation that it can not do wholly within a State what the State laws authorize it to do, and that it can prescribe a penalty against its doing those things. That is the object of the amendment.

Mr. BAILEY. The Senator, I think, is entirely right in saying that Congress can not prohibit a corporation from doing within a State a lawful act. But the trouble with the Senator's amendment is he describes it as an article that enters into interstate commerce. Almost every article enters at some time into interstate commerce.

Mr. McCUMBER. No.

Mr. BAILEY. But the article itself may be carried from one State to another, and after being carried, it may be sold within the State. The description is not accurate.

Mr. McCUMBER. I beg pardon of the Senator. The only thing the company is prohibited from selling is the article owned by itself which enters into interstate commerce. Before it enters into interstate commerce it can sell it under the laws of the State; but it can not the moment that it enters into interstate commerce, and it can not enter into interstate commerce until it has changed from one State to another or has been loaded for the purpose of going from one State to another. So the prohibition is simply against the selling of the article which it must ship from one State to another or to a foreign country; in other words, the article which must go into interstate commerce before it can be sold, because that is the limit of our authority.

We can not reach the company buying and selling in the State in which it is lawful to buy and sell, and I think if the Senator will read that very short amendment again he will find that it clearly expresses that.

Mr. SPOONER. Mr. President, is it not clear enough from the Senator's amendment—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. I yield to the Senator from Wisconsin.

Mr. SPOONER. Is it not clear that the language of the

Senator's amendment is broad enough to prohibit the carrier from selling his commodity in the State?

Mr. McCUMBER. Not under the amendment which I offered.

Mr. SPOONER. I think it is.

Mr. McCUMBER. I think not.

Mr. SPOONER. The amendment reads:

Any common carrier, under the provisions of this act, is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

Mr. McCUMBER. What commodity? The commodity which it sells entering into interstate commerce—not like articles.

Mr. SPOONER. Suppose a corporation—a transportation company engaged in interstate commerce, if you please—under the authority of the laws of a State engages in mining coal; under the Senator's amendment may it not sell that coal in the State, to be put into the channels of interstate commerce by the purchaser, who may not be a transportation carrier at all?

Mr. McCUMBER. Certainly not.

Mr. SPOONER. I think the Senator, if he will carefully read the amendment, will see that I am right.

Mr. McCUMBER. If the Senator will hand me the amendment, I will read it again.

Mr. SPOONER. The Senator from North Dakota does not deal with the question whether the carrier which produces the commodity shall be permitted to put it into interstate commerce or not; he deals with the power to sell the article if it is to enter into interstate commerce, which is clearly beyond the power of Congress.

Mr. McCUMBER. Let us see what the amendment means upon a fair and simple construction.

Any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity—

What kind of coal or coke or other commodity and how marketed? That coal or coke or other commodity which enters into interstate commerce?

Mr. SPOONER. Suppose a corporation is engaged in interstate commerce as a carrier and is also lawfully engaged in mining coal in the State of Pennsylvania, for instance, and it sells that coal in the State of Pennsylvania, and the purchaser of that coal in the State of Pennsylvania consigns it to New York over a line not owned or operated by the carrier which produced it?

Mr. McCUMBER. This provision would not in the slightest degree touch that. Therefore it is not the person then selling it, the man who purchases within the State; he can, of course, ship it into any other State. It is not the carrier, therefore, that is shipping it; it is a private individual or whomsoever he sells it to. The common carrier, under the provisions of this bill, is simply prohibited from selling those articles which will enter into interstate commerce before they can be sold or disposed of in another State.

Mr. ELKINS. Mr. President, I propose to modify the amendment which I offered by offering what I send to the desk as a substitute for it.

Mr. ALDRICH (to Mr. ELKINS). Modify the amendment.

Mr. ELKINS. Well, I will modify the amendment.

The VICE-PRESIDENT. The Senator from West Virginia proposes to modify his amendment. The proposed modification will be read.

Mr. GALLINGER. Let the amendment as proposed to be modified be read.

The VICE-PRESIDENT. The amendment as proposed to be modified will be read by the Secretary.

The Secretary read as follows:

From and after May 1, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States, or to any foreign country, any article or commodity manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. GALLINGER (to Mr. ELKINS). Make the date 1909.

Mr. McCUMBER. I will say in reference to that amendment, that if it be adopted, I should have no objection to it, and I am perfectly willing that it shall take precedence over the substitute I have offered.

Mr. CULBERSON. I should like to ask if there is any substitute pending in the Senate at this time? If there is not, I desire to offer one.

The VICE-PRESIDENT. There is a substitute offered by the Senator from North Dakota [Mr. McCUMBER].

Mr. McCUMBER. I will withdraw my substitute temporarily for the purpose of allowing the substitute offered by the Senator from West Virginia [Mr. ELKINS] to be acted upon.

Mr. CULBERSON. Mr. President, if the Senator withdraws his substitute I should like to know it, because I desire to offer one.

Mr. DANIEL. I ask that the amendment of the Senator from West Virginia be again read.

Mr. CULBERSON. I offer what I send to the desk as a substitute for the pending amendment of the Senator from West Virginia.

Mr. GALLINGER. Mr. President, before the proposed substitute is read—I have suggested to the Senator from West Virginia that this morning by a very large majority the Senate voted that the date should be 1909, and I trust the Senator will modify his amendment accordingly.

Mr. ELKINS. I will accept that.

The SECRETARY. The proposed substitute is modified so as to read:

From and after May 1, 1909, etc.

The VICE-PRESIDENT. Is there objection? If not—

Mr. BAILEY. I want to say to the Senator from West Virginia that if he agrees to over two years in which these gentlemen may readjust themselves, he will get no vote for his proposition on this side of the Chamber.

Mr. ELKINS. Then I am willing to make it 1908.

Mr. CULBERSON. Mr. President, I desire to state that the substitute which I have offered—

The VICE-PRESIDENT. Will the Senator from Texas please suspend until the proposed modification of the Senator from West Virginia is disposed of?

Mr. CULBERSON. No, Mr. President—

The VICE-PRESIDENT. Until it is perfected.

Mr. CULBERSON. The Senator from West Virginia has modified his amendment, and it is now before the Senate. I offer a substitute for it, which is in order, as I understand.

The VICE-PRESIDENT. Is there objection to the modification proposed to be made by the Senator from West Virginia?

Mr. HOPKINS. I object until I can have an opportunity to examine it.

Mr. HALE. The Senator from West Virginia has a right to modify it.

The VICE-PRESIDENT. The Chair thinks the Senator from West Virginia would have that right up to the time of the adoption of an amendment to his amendment or the ordering of the yeas and nays. An amendment was agreed to this morning—

Mr. McCUMBER. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from North Dakota will state his point of order.

Mr. McCUMBER. The point of order is that the substitute offered by the Senator from Texas [Mr. CULBERSON] is not in order until the amendment offered by the Senator from West Virginia has been disposed of.

Mr. BERRY. Mr. President, with the permission of the Senator, I wish to say that the Senator from West Virginia did not offer an amendment, but he modified his original amendment.

Mr. ELKINS. That is right.

Mr. BERRY. Now, it is the pending amendment as modified, and the Senator has a right to modify his amendment at any time before it is amended or the yeas and nays have been ordered; and the amendment of the Senator from Texas [Mr. CULBERSON] to that amendment would be in order.

Mr. CULBERSON. Mr. President, I understand—

The VICE-PRESIDENT. One moment, if the Senator please. The Chair will inquire whether the Senator from West Virginia [Mr. ELKINS] modified his amendment in accordance with the suggestion of the Senator from New Jersey [Mr. DRYDEN]?

Mr. ELKINS. No. This is modifying the original amendment.

Mr. TELLER. Mr. President, can we not have the amendment as it now stands read?

The VICE-PRESIDENT. The Chair referred not to the recent proposed modification. The Senator from West Virginia [Mr. ELKINS] proposed an amendment, and the Senator from New Jersey [Mr. DRYDEN] proposed an amendment to that amendment.

Mr. ELKINS. Yes, sir.

The VICE-PRESIDENT. Was that amendment acted upon?

Mr. ELKINS. I think not.

Mr. FRYE. Mr. President, the Senator from West Virginia can ask unanimous consent to modify his amendment, notwithstanding the amendment. Of course the rule is as the Chair states it, that after an amendment has been made to an amendment a Senator can not, except by unanimous consent, withdraw the amendment.

Mr. BERRY. Has the original amendment been amended?

Mr. FRYE. It has been amended.

The VICE-PRESIDENT. The modification can now be made only by unanimous consent.

Mr. GALLINGER. But the amendment that was inserted in the amendment has the date "1909," and now the Senator from West Virginia proposes to modify the amendment by making it "1908."

Mr. FRYE. The Senator from West Virginia took that back.

Mr. ELKINS. I withdrew it.

Mr. GALLINGER. I do not think the Senator withdrew that. The Senator from New Jersey [Mr. DRYDEN], after making a very convincing speech, as I thought, offered an amendment making the date 1909. That was adopted by a very large vote of the Senate, and the Senator from West Virginia can not modify his amendment so as to change that date. He can not possibly do it, except by unanimous consent.

The VICE-PRESIDENT. The rule says that amendments may be withdrawn or modified at any time before an amendment has been adopted or the yeas and nays have been ordered.

Mr. GALLINGER. But this has been amended.

The VICE-PRESIDENT. The Chair is of the opinion that the present proposed modification can only be made by unanimous consent.

Mr. HALE. Let the Chair ask that consent.

The VICE-PRESIDENT. Is there objection to the request?

Mr. HOPKINS. I said that I should object until I had an opportunity to thoroughly examine the amendment. I may approve it after examination, but I do not propose to give my consent until I know the full effect of it.

The VICE-PRESIDENT. Objection is made.

Mr. McCUMBER. Referring again to my point of order, is not the motion of the Senator from West Virginia to amend his original amendment the question now before the Senate?

Mr. CULBERSON. I submit that the Chair has properly declared that to be out of order, and of course it is not pending.

Mr. McCUMBER. The Senator from West Virginia offers to modify the amendment and that is not accepted. Then is not that the question before the Senate?

Mr. ELKINS. I can offer it now, Mr. President, and I do so.

The VICE-PRESIDENT. The Senator from West Virginia proposes to amend his original proposition—

Mr. ELKINS. To modify it.

The VICE-PRESIDENT. The Chair is of the opinion that that is not in order.

Mr. ELKINS. Does the Chair decide that that is not in order?

The VICE-PRESIDENT. The Chair is of the opinion that it is not in order.

Mr. FRYE. If the Senate desires to do so, it can promptly vote down the amendment which is pending, which was offered by the Senator from West Virginia; and it being voted down, the Senator from West Virginia then can offer such an amendment as he pleases.

Mr. ALDRICH. He can offer an amendment in his own right.

The VICE-PRESIDENT. The Chair is of the opinion that that would be in order.

Mr. CULBERSON. Mr. President, I desire to ask, in view of the present situation, if a substitute for the pending amendment of the Senator from West Virginia is in order?

The VICE-PRESIDENT. It is in order.

Mr. CULBERSON. Then I offer the one I have sent to the desk as a substitute. Mr. President, before the substitute is read, I desire to say that it is based upon—

Mr. ALDRICH. I have been trying to get the attention of the Chair, but I do not seem to have succeeded.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. I was about to ask the Chair if the Senator from West Virginia can not move to amend his own amendment?

The VICE-PRESIDENT. The Chair has decided that the Senator from West Virginia might move to perfect his amendment.

Mr. ALDRICH. He had better offer it, then, as an amendment.

The VICE-PRESIDENT. The Senator from North Dakota [Mr. McCUMBER] has a proposed substitute. Does the Chair understand him to withdraw it?

Mr. McCUMBER. I withdrew it simply for the purpose of allowing the Senator from West Virginia, if he could, to offer what I understood was an amendment.

The VICE-PRESIDENT. The Chair would understand that the withdrawal is an absolute and final withdrawal, so far as the present parliamentary situation of the question is concerned.

Mr. ALDRICH. Mr. President—

Mr. CULBERSON. Mr. President, before—

The VICE-PRESIDENT. The Senator from Texas [Mr. CULBERSON] proposes an amendment in the nature of a substitute for the amendment of the Senator from West Virginia [Mr. ELKINS], which will be stated.

Mr. ELKINS. I will then offer it in accordance with the ruling of the Chair to perfect the amendment.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Before the Senator from West Virginia—

Mr. CULBERSON. I submit that the Senator from West Virginia and the Senator from Rhode Island can not take me off the floor when I am offering an amendment.

Mr. ELKINS. There is no disposition to do so. What is the substitute proposed by the Senator from Texas?

Mr. CULBERSON. It will be read in a moment, if you will only be quiet.

Mr. President, the chief evil which we desire to eradicate in this matter is the ownership of coal mines by railroad companies engaged in interstate commerce. A great many Senators believe that an absolute prohibition against the ownership, production, and manufacture of coal by such corporations can not be legitimately made by the Congress of the United States. Without going into that question—and as to its general effect I agree—the question before the Senate is, How, if at all, we may reach that evil without undertaking to prohibit such ownership and production absolutely? That is the point—not to prohibit these companies from carrying coal from one State to another necessarily, because that will not reach the evil. The evil is the ownership and the production by the corporations themselves aside from their legitimate business of transportation.

I grant that there are two or three sentences in the decision of the Supreme Court of the United States in the Chesapeake and Ohio case which indicate that, in the unanimous opinion of that court, the very fact of the ownership of coal which may pass into interstate commerce by transportation over the lines of the owner of the coal is in itself a violation of the regulations provided by Congress in the interstate-commerce act. Let me read those two or three sentences:

And the considerations previously stated serve also to demonstrate that the prohibitions of the act to regulate commerce concerning "undue or unreasonable preference or advantage," "undue or unreasonable prejudice or disadvantage," and "unjust discrimination" are in conflict with the asserted right of a carrier to become a dealer in commodities which it transports, and as such dealer to sell at a price less than the cost and the published rates.

Indicating, Mr. President, as I have already suggested, that, in the opinion of the Supreme Court, it is at least a serious question whether the ownership and production by a company engaged in transportation is not in itself a violation of the interstate-commerce act and the power of Congress to regulate interstate commerce.

Going back to the case of the Addyston Pipe and Steel Company against the United States, which is reported in 175 U. S., I invite the attention of the Senate to the decision of that court to the effect that such an evil as that may be reached when the companies engage in the production and manufacture for the purpose of transporting it from the State of the manufacture and production and entering, therefore, into interstate commerce. I want to read a sentence or two from that opinion.

Mr. CLAY. From what page does the Senator read?

Mr. CULBERSON. I read from the Addyston Pipe case (175 U. S., pp. 170-240):

The direct and immediate result of the combination was therefore necessarily a restraint upon interstate commerce in respect of articles manufactured by any of the parties to it to be transported beyond the State in which they were made.

The amendment or substitute which I propose, Mr. President, is based upon this decision of the Supreme Court of the United States, and I ask now that it be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. In lieu of the amendment of the Senator from West Virginia [Mr. ELKINS] it is proposed to insert the following:

It shall be unlawful for any corporation, association, or joint stock company engaged as a common carrier in foreign or interstate commerce to engage directly or indirectly through its officers, agents, representatives, employees, directors, or corporations organized for the purpose or otherwise in the production, manufacture, buying, furnishing, or selling of coal, coke, or other commodity of commerce to be transported by it beyond the State or Territory where such coal, coke, or other commodity of commerce is produced, manufactured, bought, or the possession thereof is obtained by said corporation, association, or joint stock company. Any violation of this provision shall be deemed a misdemeanor and the corporation, association, or joint stock company found guilty thereof shall be fined \$500 per day for each day it shall unlawfully engage in the production, manufacture, buying, furnishing, or selling as aforesaid: *Provided*, That when any coal, coke, or other commodity of commerce which is produced, manufactured, bought, fur-

nished, or sold by such corporation, association, or joint stock company is transported by it beyond the State or Territory where it is produced, manufactured, bought, furnished, or sold it shall be conclusively presumed that it was produced, manufactured, bought, furnished, or sold for such transportation: *Provided further*, That this provision shall not be construed to prohibit such corporation, association, or joint stock company from mining fuel exclusively for its own use: *Provided further*, That this provision shall take effect from and after July 1, 1908.

Mr. BAILEY. Mr. President, as I can not vote for that amendment, I think it fair to myself to state my reason for voting against it. The same reason which would have compelled me to vote against the amendment originally proposed by the Senator from West Virginia [Mr. ELKINS] will compel me to vote against this one, because this, like the other, undertakes to prohibit what Congress has no power to prohibit, and thus introduces a question which can be and ought to be avoided.

That Congress can prohibit a corporation engaged in certain enterprises from engaging in interstate commerce, I do not think subject to a reasonable doubt; but if, under its jurisdiction to regulate interstate commerce, it can enter the States and forbid the manufacture, production, or sale of commodities, then, sir, the power of the Federal Government is greater than our fathers ever dreamed. The Federal Government can say that a State corporation can not, while engaged in certain industries under the law of the State, extend its operations to other States; but if in assuming jurisdiction over interstate commerce the Federal Government can enter into a State and there control the processes of production, the enterprise of merchants, and the business of the farmer, simply because they are producing something that may enter into interstate commerce, then, indeed, the commerce power of the Federal Government destroys all of the reserved powers of the States.

I have not had the time to examine the Addyston Pipe case, but my recollection is that in that case several manufacturers of certain commodities agreed among themselves upon a division of territory; in other words, one manufacturer was to sell in one group of States, another manufacturer to sell in another, and still a third manufacturer in a third group. My recollection further is that the Supreme Court held that an agreement of that kind was contrary to the antitrust law of the United States. That the Supreme Court could well hold that all gentlemen on this side will readily agree; but the basis of that decision, extending the power of the Government over a contract of that kind, was that it was to be executed in the various States and therefore constituted an unlawful restraint of interstate commerce. I am not sure that I recall the facts in that case, but if I do—and I think I do—the case itself affords no warrant for saying that because an article is manufactured for sale through interstate commerce the Federal Government possesses a power over that article before it becomes the subject of interstate commerce. As I recall the old case of *Coe v. Erroll*, certain logs had been cut in the State of New Hampshire for transportation to the State of Maine, and yet the court held that those logs did not become the subject of interstate commerce when they first came from the lumber camp to the depot, but that they only passed under the jurisdiction and control of the Federal Government in its regulation of interstate commerce when they reached the depot to begin their journey to their point of destination in another State.

So they held in the Knight case that it was not sufficient that the sugar trust was manufacturing sugar to become afterwards the subject of interstate commerce, and that the Federal Government's control over the sugar manufactured by the sugar trust only attached when the sugar itself became the subject of interstate commerce.

So, Mr. President, it seems to me that we incur a great risk if we put the power of the Federal Government to deal with this question upon the doctrine that it may prohibit what the States may permit, instead of resting it upon the acknowledged power of the Federal Government to determine who shall engage in commerce among the States and what articles can be the subject of interstate commerce. If we put it upon that authority we incur no risk, whereas if we put it upon the other, in my judgment the Supreme Court of the United States will hold that Congress has exceeded its constitutional authority.

For that reason I can not myself vote for any amendment that assumes a power in the Federal Government to control those who may engage in the business of manufacturing, producing, or selling commodities entirely within a State of this Union. It seems to me, even if I am wrong about that, nobody doubts that it is safer to put it on the other ground. Will we not accomplish the same purpose by putting it on the undisputed and indisputable ground?

I prefer myself the original amendment of the Senator from West Virginia, when properly worded in that respect, because it is the broadest, and annihilates either the common carrier's

participation in interstate commerce or compels it to desist from the business which does not belong properly to a common carrier. My own opinion is, however, that an amendment as broad as that proposed by the Senator from West Virginia can not pass this body, and that the utmost we can hope for is the amendment prepared by the Senator from Mississippi and the Senator from Georgia and now proposed by the Senator from West Virginia as his substitute. It is almost in the very line of the amendment hastily offered by the Senator from Virginia on the day before yesterday. While it seems to represent as nearly as possible what can be done, I frankly say it does not go as far as I want to go, and I prefer the broadest and most absolute prohibition that can be drawn; but I want it drawn in a way which I think will enable it to stand scrutiny in the courts. The connection between production and transportation can be destroyed without destroying the reserved rights of the States.

Mr. CARTER. Mr. President, on a former occasion I expressed grave doubt as to the propriety of engaging in departures from the main purpose of the pending bill. The ship-pers of this country have demanded in and out of season that the power to fix a rate should be vested in the Interstate Commerce Commission. The purpose of the pending bill is to vest that power in the Interstate Commerce Commission.

In connection with the laudable effort in that direction, responsive to a well-defined and long-continued public demand, we encounter Senators possessed of a variety of views with reference to the proper method of curing other evils incident to interstate commerce and even State commerce. I think it has been clearly demonstrated upon this floor within the last forty-eight hours that this subject, contemplating the restriction of interstate-commerce railroads or common carriers to their legitimate business, constitutes quite as prolific a subject of discussion as the principal question covered by the bill itself.

The proposed amendment of the Senator from West Virginia [Mr. ELKINS] has led to a protracted debate and to numerous amendments and substitutes, and we now have the two distinguished lawyers from Texas taking direct issue with each other upon this floor, not only as to the details of a proposed substitute, but as to the constitutionality of the manner in which it is proposed to deal with the question.

This body, representing all the States, is happily constructed for the purpose of furnishing illustrations instructive on an occasion of this kind, and I rose merely to show from a practical condition existing in the State of Montana how utterly mischievous this amendment would be if adopted. The amendment proposes to prohibit any common carrier from engaging in interstate commerce if such carrier is directly or indirectly engaged in the production, manufacture, buying, furnishing, or selling of coal or coke or any other commodity or commodities of commerce.

Let me cite the case. We have one enterprise in the State of Montana in which there are to-day over 20,000 men engaged at good wages in the production of copper. It constitutes the great industrial enterprise of our State. This copper is reduced 20 miles from the mines. The mines are chiefly in and about the city of Butte. The largest copper smelter in the world is located at Anaconda, some twenty-odd miles distant. For many years the great mining companies undertook to have their ores transported from Butte to Anaconda through the agency of an independent railroad company.

They found the rolling stock inadequate; the cars were not suited to the purpose; the service was fitful and uncertain, and rates were often prohibitive.

In order that this work might proceed, the copper companies on their own account built a railroad from the copper mines to the copper smelter, a distance of 20 miles. In actual operation this intervening piece of track between the mine and the smelter is as essential to the operation of the general business as the tracks within the levels themselves, upon which run the small cars filled with ore.

This railroad, running from Butte to Anaconda, was constructed principally to carry the copper ore from the mine to the smelter. Incidentally passengers are carried over it also. The Great Northern uses that track for 20 miles, because Anaconda is the terminal of the Great Northern passenger trains which reach there from St. Paul and Puget Sound. It is therefore partly engaged in interstate commerce. The supplies shipped in to the citizens of Anaconda are billed from Philadelphia, New York, and Chicago over this road to Anaconda, and whatsoever the body of the people have to ship out from the town of Anaconda must be shipped over this road, and billed to distant points in the country. The coal needed to run the smelter at Anaconda is shipped from Wyoming very largely, and to a considerable extent the coke is shipped from British

Columbia, and to a considerable degree from Connellsville, in the State of Pennsylvania.

Therefore this line of road, only 20 miles in length, primarily constructed to haul ore, splendidly equipped, with a magnificent roadbed, 90-pound steel rails, ponderous locomotives, equipment unexcelled in any part of the country for a road of like length, is engaged in interstate commerce.

Now, what would be the effect of the amendment of the Senator from West Virginia? This company would be compelled to dismember itself. The effect would be to disrupt and disorganize and devitalize the best and largest industry and enterprise in that State. The enterprise can not be successfully conducted without the railroad, and the railroad can not be operated successfully by an outside company. That I say because I speak from the experience which compelled this company to invest millions upon millions of money in providing this intermediate transportation system between the smelter and the mines.

Now, I objected on a former occasion to the use of the very general term "or other commodities." I am amazed at the inability of Senators to draw amendments intended to cure evils. Failing to comprehend the exact disease, in the midst of a period of excitement in the Senate, they throw in the words "or other commodities," so that everything in creation may be included, regardless of consequences. Go to the great Northwest where iron ore is mined in large quantities, where the tracks of a railroad are shifted about from time to time in such manner that no railroad company would go in there to operate, and the mine must own the means of transportation or quit the business. And yet, Mr. President, this amendment would so far dismember the enterprise that we would bring about idleness where busy men are now engaged. We would drive capital out of employment and drive men into idleness and destitution.

Let this subject-matter, clear and distinct, in and of itself a subject to be treated, be taken up by the Interstate Commerce Committee, carefully considered and finally reported. The chief purpose of the amendment is to cure an evil which has become well known to the country at large—the control of coal by the railroads in the anthracite region in Pennsylvania. That is the main purpose of the amendment. Of course the evil extends to West Virginia and contiguous territory. But therein rests the point to which most of the discussion is directed, and that is the evil sought to be corrected. It will require the best thought of the Interstate Commerce Committee to apply a general law to that existing evil and at the same time avoid touching a vital point in the industrial life of the country in many other sections.

I shall vote against every amendment relating to this subject, not because I have little sympathy with those who seek to escape from the evils in Pennsylvania, but because I do not wish to be a party to enacting a law which, while curing an evil at one point, will produce infinitely greater evils at other points.

Mr. DANIEL. Mr. President, there is an inherent incompatibility in the engagement by a common carrier on its own account in business other than that which the public have authorized it to engage in for public purposes. It is not in order that a carrier may make money by selling commodities that the people accord to them rights to condemn their lands. There are an abundance of people who are ready to engage in commerce who can not be given for such purposes the right to take the property of others against their will. The practice has grown up, however, in some States of so intermingling private business with public concerns that large capital has been invested in some corporations which run a competitive line against their own customers, to the great disparagement and disadvantage of all small traders and of small business men. When, however, we are dealing with an evil which has grown and in which many perfectly honest and correct interests have been commingled, we are dealing with a subject somewhat like the confusion of goods, and we should seek not to spoil the goods in extricating and in refining the rights of the parties.

For that reason the Senate has been impressed with the views set forth by the Senator from New Jersey, and has responded thereto in a reasonable degree.

Mr. President, until 1909, as it would seem to me, is a little longer than necessary. Two years is full time for all the new dispensations to take place in an orderly and in a patient way, without distracting and upsetting the business of the country which is being conducted on present plans. Therefore, I have taken the amendment which I offered day before yesterday and inserted as a prefix the words:

That it shall be unlawful after the 1st day of July, 1908, for a carrier engaged in interstate commerce to carry its own articles in traffic.

If the amendment of the Senator from Texas [Mr. CULBERSON] shall be voted down, I shall then offer this amendment,

with a few verbal changes, in lieu of the then pending amendment which would be before the Senate.

Let me say as to the amendment of the senior Senator from Texas, I share the opinions of his colleague, the junior Senator from Texas, on that subject. I believe it would be exceedingly unwise to mingle one clear and beneficial thought with another, as to which there may be question, not that I do not share also fully the sentiments of both the senior and the junior Senator from Texas, that we ought to obviate this evil just as rapidly and just as thoroughly as the Constitution and laws of the United States will permit.

I object to the amendment as it has been offered by the senior Senator from Texas simply upon the ground which ought, in my opinion, to be decisive against it, whatever may be the merits of its separate parts, that it intermingles and confuses the clear line of thought which is in the amendment the Senator from West Virginia will offer or has prepared to offer if his pending amendment shall be reached in such way that he can do so.

I regret to see, Mr. President, such a persistent effort made in this body to sidetrack the greatest single question with respect to interstate commerce which has come before it. I say the greatest single question, for there is no other proposition in the bill now pending which is of greater dignity and of greater weight commercially, legally, or in any other wise than is the one now pending.

While I appreciate fully, too, the cautions which were given to us by the Senator from South Carolina [Mr. TILLMAN], I would remind that Senator that he was himself the Senator who brought before this body, in letters and in petitions, the great evil that is being done by carriers, which refuse cars to private citizens and to business men who are dependent upon these public agencies, and which employ their own cars in their own personal business for their own profit and behoof. And while I would be cautious and prudent with respect to all chartered companies that have been authorized by legislatures to mingle private and public business together, I would move with as firm and intrepid a step to correct the evil as a fair and conscionable and equitable regard to the interests of all would permit.

I regret to see, Mr. President, so much time taken up in the Senate in seeking most extraordinary and astonishing moves to sidetrack and get in committee or anywhere else but here a leading and most important proposition which is essential to the utility of this bill. I hope that the Senator from West Virginia, if I shall have the opportunity to offer it, will accept the substitute which I shall submit if the amendment of the Senator from Texas shall be voted down. Let me suggest to the Senator from Texas, who has more than one idea in his amendment, that as a prudent and wise legislator and a most learned lawyer, as I know him to be, he take one idea at a time. If this idea shall be ingrafted upon this bill it does not stand in the way of his drawing another amendment which will put his own separate ideas in clear and distinct shape. But when he has so commingled them he concentrates against a single proposition thus compounded those who may oppose either of them, and only weakens the cause by the doubt which may be honestly entertained in one mind or another as to one proposition or another.

Mr. CLARK of Montana. Mr. President, I have listened with a great deal of interest to the discussion of the measure now before this body. I have followed the discussions from day to day, but have never heretofore participated in them, as they related chiefly to questions of a legal character, concerning which I preferred to listen and to learn. I am prepared, when we get to the point, to support a reasonable rate bill, and I am confident that a conclusion will be reached in the near future that will be fairly satisfactory to all the people.

I am as much in favor of the regulation and restriction of the railroads of the country in all of their efforts to deal unfairly with the people as any Senator in this Chamber. I am particularly in favor of the prevention of rebates and discriminations against individuals, companies, and localities, which are the principal evils complained of, and I will go as far as any other member of the Senate to adopt a penal provision for the punishment of such offenses.

We have now reached the consideration of some practical questions involved in this great discussion, and I feel it my duty to myself and to my constituents and to the great West, which I in part represent in this Chamber, to submit some observations upon the pending amendment.

As I understand it, the suggestion of this amendment was an investigation demanded by the Senator from South Carolina [Mr. TILLMAN] concerning the operations of railroads in West Virginia.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CLARK of Montana. I do.

Mr. TILLMAN. If the Senator will permit me, I will correct him in that particular. The investigation now being made by the Interstate Commerce Commission deals with the general subject of coal monopoly and of the merger or pooling of railroads in dealing with coal. But this particular issue of divorcing coal production and transportation grew out of the petitions sent in from the Red Rock Fuel Company and a half dozen or more other private operators in Pennsylvania and in West Virginia. I have possibly twenty more up at my committee room, which I did not present. I put in ten or twelve here—one every morning.

But the exposition of the iniquity and the outrage of this system of squeezing out private citizens and corporations and having the roads monopolize the production and the transportation and the marketing of coal resulted from these memorials and not from the investigation which is going on. When we get the facts which that investigation will doubtless give us, the cry for relief will be so loud and strong that the Senate can not put it off; and I do not say that the Senate is now desiring to put it off, although some Senators, realizing the difficulties, appear to want to postpone action. I myself would be glad to have immediate action, if it takes us a month to discuss and so limit it that we will not do any section or any interest harm while giving protection and relief to those interests which are now being squeezed to death.

Mr. CLARK of Montana. I stated, Mr. President, that I believe the amendment offered by the Senator from West Virginia [Mr. ELKINS] grew out of the complaints that were sent from West Virginia. So far as I know, there have been no complaints from any other part of the country.

Mr. TILLMAN. If the Senator will permit me, I have just had a complaint—

Mr. CLARK of Montana. As my time is limited, I will ask the Senator to wait until I get through.

Mr. TILLMAN. I beg the Senator's pardon.

Mr. CLARK of Montana. So far as that locality is concerned, and possibly in other localities in the eastern coal regions, there are grievances which are properly complained of and which should be dealt with promptly in some other manner, but, in my judgment, such legislation does not properly belong in this rate bill. The difficulties referred to are local in their character, and legislation of a general character like the proposed bill would not be applicable where the conditions are entirely different, as I will endeavor to show.

I am fully in accord with my colleague [Mr. CARTER] as to what he stated concerning the operations of great mining companies in the State of Montana. I wish to say, further, there was not a transcontinental railroad constructed across this continent that was not obliged to open up coal mines for its own use, and not only for its use, but for the use of the people settling along the lines of these roads to build up homes and open farms and mines. I know it was so in Montana, and in Montana to-day three-fourths of the coal consumed in that State and in the city in which I live, having a population of some 80,000 people, where several thousand tons of coal are burned each day in the various mining and smelting enterprises and for domestic purposes, is supplied by the railroad companies. Were it not for the railroads that have made it possible to open up mines all through that western country, supplying fuel not only for domestic, but industrial purposes, those great industries could not have reached the marvelous stage of development which we find there.

The Northern Pacific Railway Company were obliged to go into coal mining for their own protection, and they are to-day employing in the State of Montana 3,000 coal miners and have built up a large town at Red Lodge, in the eastern part of the State. The Great Northern Railroad Company likewise opened coal mines in northern Montana. These roads were not only obliged to do this to meet their own requirements, but they, and the Oregon Short Line operating from the south, were called upon to furnish at least three-fourths of all the coal consumed in the State. There were times there when, notwithstanding the greatest efforts of those companies to supply the people with coal, owing to a congestion of business, there were coal famines in all the towns of Montana; and what would have been the condition of the people of that State had it not been for the railroads owning and mining and shipping supplies of coal to meet their requirements?

I wish to say, further, that in no instance in my experience of over thirty years in Butte, no matter how scarce that commodity has been, have they ever raised the price of coal to

the consumer. The railroads have been an essential factor in the development of the western country which we should not overlook in our desire to protect a few shippers in West Virginia.

There is another feature of this question which I want to present to the Senate. All over that western part of this continent, as has been shown by the development of a half century, discoveries of great mines have been made and are still being made everywhere. In many instances mines are found containing base metals, lead and copper, at points many miles away from any railroad. Persons who own those mines of base metals can not work them unless they have railroad facilities. Butte was kept back for fifteen years for want of railroad facilities, and I know of a number of instances where mines have been discovered and developed and found to be big mines, but being owned by individuals or perhaps by a single company there was no railroad company that would undertake to build a line to them for the reason that it would be hazardous, as they might shut down the mines at any time. What was the result? The owners of the mines—the individuals or the company, as the case might be—have been obliged to build a branch road themselves to the nearest road, in order to secure access to the markets of the world for the products of their mines.

There is an instance of this kind in southern Arizona. The Copper Queen Mining Company is owned by Phelps, Dodge & Co., and they have a number of the greatest mines in that wonderful Territory. They were obliged for their own protection to build a road about 200 miles in length, and to-day it is in operation. When that road was constructed it became a common carrier, subject to the rules and regulations of the Interstate Commerce Commission. Now, what are you going to do under this amendment with such a proposition as that? I myself was obliged to build a road shorter than that—but 28 miles in length—before I could get the products of a copper mine to the market. When I completed that road, some fifteen years ago, it became an interstate-commerce road, because all the products went out and supplies came in through other States and Territories.

By this provision how am I to proceed? I am between the devil and the deep sea. I will either have to stop the operations of the mine or the railroad.

There are a number of other instances of this same character all over the mighty West. I should like to know, as I inquired before, what disposition are you going to make of such enterprises? Are you going to throttle them on account of some imaginary or actual grievance against roads elsewhere? I say "imaginary," because a good deal of it is imaginary, although there are localities where evils do exist. Wherever a railroad company, owning its own coal mines, undertakes to mine coal and ship it out in competition with other coal-mine operators and refuses to furnish them ample facilities for transportation of their products to the markets, I would be in favor of legislation as strict and radical as anyone here to prevent grievances of that kind. But I believe, Mr. President, that the consideration of this question should be had separate and apart from the great proposition with which we are now dealing. Let us endeavor to establish interstate commerce with such restrictions and prohibitions as will result in fair and equitable treatment in protection of the interests of both shipper and carrier, but in doing this we should not incur the risk of destroying or crippling legitimate enterprises. Therefore, as I said before, I am in every respect in sympathy with and in favor of stringent legislation, but I shall oppose every amendment of this character which, in my opinion, will work a great injustice to a great number of people and result in harm to some of the great enterprises throughout the western country.

Mr. TELLER. Mr. President, I presume we may safely say that every railroad in the United States is engaged in interstate commerce. In dealing with this question we are dealing with practically the entire railroad system of the United States. I made some remarks yesterday on this proposition, but in a different form, on the amendment which was then pending—the amendment of the Senator from West Virginia. This is somewhat a different proposition. I was then impressed, and I am still impressed, with the fact that it is exceedingly difficult to deal with this question here and now and that it is a question which ought to have been dealt with by a committee. But I am somewhat loath to admit that the Senate, after a discussion of a few days, can not pass some reasonable and satisfactory bill touching that evil which is most conspicuous in connection with the transportation particularly of coal.

The case decided by the Supreme Court in February last was decided under the existing law, and it would appear from an examination of that case that there is ample law to deal with this subject. What I want to call the attention of the Senate

to is simply that the complaint there was with reference to the transportation of coal. The Senator from West Virginia [Mr. ELKINS] who has introduced this subject is making his complaint simply because of the unfair treatment of the coal miners and coal dealers of that State. The Senator from Montana who first spoke [Mr. CARTER] has told us something of the difficulty of dealing with this question, and so has the Senator from Montana [Mr. CLARK] who spoke last. With some knowledge of the condition not only in Montana, but in Arizona, what both Senators have presented here satisfies me that there is danger of this legislation going very much beyond the point we ought to go. We are very liable to do more harm than good. If we could confine it entirely to the coal business for the time being, I think perhaps it would be better than to include all commodities and all kinds of service.

I have no hesitation in saying that I am a firm believer that those who do transportation business should do nothing else. But, as I said yesterday, I wish to repeat, it is a matter which is not absolutely under our control. The States charter these companies and create these corporations and they declare what their powers shall be. When the product of a mine, in the case of coal, passes into interstate transportation it becomes subject to our control. It is absolutely without control on our part unless we assume a control that we never have assumed until it does reach that stage. Practically one may say that all the coal product of Pennsylvania enters into the interstate commerce of the country. New York and all New England and all the West are supplied with the anthracite coal mined in Pennsylvania. Anthracite coal reaches even as far west as the Missouri River. It was in the earlier days sent clear into the State of Colorado. Just now we are mining sufficient anthracite coal in Colorado. Of the 76,000,000 tons of anthracite coal mined in Pennsylvania last year the great majority of it went outside of the State. It is all of it the subject of interstate commerce. Yet there are corporations in Pennsylvania which are authorized by the law of Pennsylvania to mine coal and to transport it. It is not an illegal act; it is not a crime; it is not an offense against the law either moral or legal.

I do not know but Senators may think it is easy to deal with these subjects. For myself, Mr. President, I find it exceedingly difficult to determine just what would be legal and then what at the same time would be just. Perhaps, under the circumstances, we have made such an exhibition of the conditions and of the offenses of some of the railroad companies that we ought to do something, if possible, toward completing this legislation on the pending bill; but I am still of the opinion that it would have been better if we had dropped this subject in the beginning and remitted the whole subject to the committee of the Senate authorized to deal with it.

Mr. President, taking the case that I spoke of, the case of the Chesapeake Coal Company, which the court decided in February last, there is no pretense of an offense on the part of the company except that they had violated a statute which declared, as to the rates, that it should not lower the rates. The whole question is in a nutshell right here. I am not going to read much from the opinion, but I want to call attention for a moment to it. The court said:

The question, therefore, to be decided is this: Has a carrier engaged in interstate commerce the power to contract to sell and transport in completion of the contract the commodity sold—

Now, here is the gist of the whole thing—

when the price stipulated in the contract does not pay the cost of purchase, the cost of delivery, and the published freight rates?

Whenever the railroad company proposes by such a proceeding to violate the statute, as the court considered they did by making the sum total of those things less, so that the published rate is not maintained, then it becomes an offense, and then the court says without any further statute they can deal with this subject. The court said:

It can not be challenged that the great purpose of the act to regulate commerce, whilst seeking to prevent unjust and unreasonable rates, was to secure equality of rates as to all and to destroy favoritism, these last being accomplished by requiring the publication of tariffs and by prohibiting secret departures from such tariffs, and forbidding rebates, preferences, and all other forms of undue discrimination. To this extent and for these purposes the statute was remedial and is, therefore, entitled to receive that interpretation which reasonably accomplishes the great public purpose which it was enacted to subserve. That a carrier engaged in interstate commerce becomes subject as to such commerce to the commands of the statute and may not set its provisions at naught, whatever otherwise may be its power when carrying on commerce not interstate in character, can not in reason be denied.

That is a recognition, Mr. President, that the carrier may carry on that commerce within the bounds of the State that authorized him to do it, and yet he does not come within the provision of the statute; but whenever he engages in interstate commerce in the transportation of the coal he comes within

the provision of the statute. Then the court go on—it is too long to read—to say that in that way the railroad company may discard the published rates, and they declare that he can not.

Now, Mr. President, that is the evil you want to deal with here. You do not want to deal with a proper road. You do not want to deal with a railroad that has been built to carry lumber from the forest to any community, because there has been no question here of its improper use that I know of. It may be that we ought to adopt a general system that no public carrier engaged in interstate commerce shall engage in anything else, but to do that you must wait and take time, and it must be done carefully and in such way that the interests which are already involved and legally involved, the money already invested according to law, may be properly protected.

I doubt very much, Mr. President, whether you can do that with all the different interests unless you shall confine this to one or two articles. If the evil is so great touching coal—and I do not know but that it is—then it would be well to put a stop to it by dealing with that subject and dealing with that subject alone, dealing with the other subjects as the complaint arises and as the opportunity is presented.

Mr. President, I fear myself, as do the Senators from Montana, that a sweeping provision of this character may materially affect the industries of the great West. We have had a hard time to settle up the West. We are in a very prosperous condition to-day, and I believe as a general rule there is not much complaint in the great West against railroad companies engaging in commerce or anything of this kind. As a rule they do not. There may be some exceptions where they are engaged in such production and distribution as ought to be prohibited, but the vice of their production and distribution is not the production and distribution but the abuse they make of it by attempting to avoid and get rid of the statute which declares that they shall publish their rates and adhere to their rates. Punish them, Mr. President, if they do not adhere to the rates. Punish them in some way if they engage in interstate commerce and then make that an excuse for an undue and unjust competition on their part. If they by that system select a man to whom to sell and give him a price they do not give to somebody else, or if they go into the market and buy articles and transport them and give the seller an opportunity they do not give somebody else, that is a violation of existing law, a law the Supreme Court of the United States says is sufficient now to deal with it; but if it is not, we might readily amend it in that particular and leave these other questions until such time as we shall have an opportunity to do so with less danger of doing something out of the way.

Mr. CULBERSON. Mr. President, under the rule, as I understand it, I am not entitled to say anything further on the substitute; but I desire to modify it in one or two particulars.

The VICE-PRESIDENT. The Senator may modify his proposed amendment. The Secretary will state the modifications.

The SECRETARY. As proposed to be modified the amendment reads:

It shall be unlawful for any corporation, association, or joint stock company engaged as a common carrier in foreign or interstate commerce to engage, directly or indirectly, through its officers, agents, representatives, employees, directors, or corporations organized for the purpose or otherwise, in the production, manufacture, buying, furnishing or selling of coal, coke, or other commodity of commerce to be transported by and for it as a common carrier beyond the State or Territory where such coal, coke, or other commodity of commerce is produced, manufactured, bought, or the possession thereof is obtained by said corporation, association, or joint stock company. Any violation of this provision shall be deemed a misdemeanor, and the corporation, association, or joint stock company found guilty thereof shall be fined \$500 per day for each day it shall unlawfully engage in the production, manufacture, buying, furnishing, or selling as aforesaid: *Provided*, That when any coal, coke, or other commodity of commerce which is produced, manufactured, bought, furnished, or sold by such corporation, association, or joint stock company is transported by and for it as a common carrier beyond the State or Territory where it is produced, manufactured, bought, furnished, or sold, it shall be prima facie evidence that it was produced, manufactured, bought, furnished, or sold for such transportation: *Provided further*, That this provision shall not be construed to prohibit such corporation, association, or joint stock company from mining fuel or other commodity exclusively for its own use: *Provided further*, That this provision shall take effect from and after July 1, 1908.

Mr. FULTON. Mr. President, I voted for the motion to refer this whole subject to a committee. I did so not because I am opposed to whatever legislation is necessary to correct the evils which we all admit exist in some instances and localities, but the difficulty I discover here is, we have not given the subject that careful thought and investigation which is necessary in order to deal with it intelligently, in order to prohibit only that which is wrong and do no injustice to those who are engaged in legitimate enterprises.

All over the West, as the Senator from Colorado [Mr. TELLER] has said, there are little railroads which have been built to

connect with coal mines and sawmills, that have been built simply to get the product from the mills and the mines. In such cases mining and milling are the principal enterprises. The railroading is merely incidental thereto, and yet those railroads connect with interstate lines, or with other railroads connecting with transcontinental or interstate lines. Hence these small roads doubtless would be held to be engaged in interstate commerce. It seems to me, Mr. President, that a distinction should be made and that proper exceptions should be provided in any legislation that shall be enacted on this subject in order to protect such enterprises. Just what those exceptions should be and just how they should be framed I am not prepared at this moment to say, and it does not seem to me that any other Senator is prepared to say.

It is also apparent that most of the Senators who have discussed this question realize the existence of these difficulties. Just what language is requisite to protect the nonoffending roads, I repeat, I am not able at this moment to state; and, therefore, it occurs to me that the wiser plan will be to refer this matter to a committee, and charge that committee with the duty of investigating the subject and reporting some suitable measure for the Senate to consider.

I know of railroads which have been built to coal mines for the sole purpose of developing them. If this amendment shall become a law the owners of such will be compelled either to dispose of the mines or of the roads, and neither would be of any value without the other.

It is my conviction that legislation of this character should be directed against those transportation lines only that are engaged principally in carrying interstate commerce, and with which mining or other enterprises are merely incidental. It ought not to be applicable to those carriers with whom railroading is merely incidental to the business of their mills or mines. I think Senators will generally agree with me on that proposition.

The question is how this legislation should be framed in order to preserve and protect these rights, the rights of the unoffending, and provide against the evils which we all admit do exist. This brings me back to the proposition that we have not given this subject that consideration necessary to enable us to legislate without great danger of doing a very grave injustice to many industries and enterprises. We can better afford to defer action for a few months than we can afford to do irreparable injury and injustice to numerous legitimate enterprises which have grown up under present conditions.

We have been giving our attention, Mr. President, during the last two or three months almost exclusively to the work of framing a bill designed to empower the Interstate Commerce Commission to prescribe rates and practices for transportation lines engaged in interstate commerce. The attention and thought of the Senate have been given almost entirely to that subject. Now, suddenly this subject is sprung, a subject which, in my judgment, is far more complicated than the main subject of this bill. There has been no proposition brought before the Senate during the present session that is more replete with complications and difficult problems than this one of regulating the relations between transportation and mining and manufacturing industries—none. Yet Senators seem to think that we ought to be able to properly treat a matter of this vast importance and of so complicated a nature and character here on the floor of the Senate without the advice or assistance of a committee that has given it careful investigation.

I am very desirous of supporting some law that will correct the evils which we know exist, but in correcting those evils I do not wish to be a party to perpetrating a great injustice.

I admit that no injury can result if we postpone action on this subject a short time, until a committee has had an opportunity to investigate it. I think if it were referred to a committee it is quite probable a report could be made during the present session. If not, and if the matter should go over until the next session, I think we can bear up under present conditions for a few months longer and would far better do so than do the injustice which I think is very likely to result from hasty and ill-considered action.

I hope, therefore, that no legislation will be enacted unless the subject shall be first referred to a committee that will carefully investigate existing conditions, in order to determine accurately what exceptions are necessary in order to protect those industries which are not offending against the rights or the interests of the people in any respect.

Consider the effect of the proposed legislation on one of the small railroads out West, of which I have spoken, having, we will say, a coal mine in the State of Idaho and a railroad extending therefrom into Washington or Oregon. Such a railroad would be an interstate-commerce line and subject to the pro-

hibitions of the amendments which have been proposed here. This legislation would ruin all such industries and deprive thousands of men of employment. Yet they are offending against no man; they are doing no person and no community an injury or an injustice. They are necessary to and are powerful factors in the development of the resources of the great West. Shall they be stricken down simply because we realize that there are great evils elsewhere which we wish to remedy? Is it necessary to destroy the good in order to correct and restrain the evil? Why must we indulge in this hasty and ill-considered legislation? I sincerely trust the Senate will be disposed to move slowly in this matter. Let us have time to consider it. Let whatever measure which shall be adopted be carefully considered and the proper and necessary exceptions made.

Mr. TILLMAN. Mr. President, the Senate having twice refused by a large majority to refer this matter back to the committee and to postpone some sort of action upon it, it seems to me that—

Mr. LODGE. Will the Senator from South Carolina yield to me?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. I do not think the Senate has refused to refer. The Senate held that a certain motion was out of order. That was not passing an opinion on the question of the merits of reference.

Mr. TILLMAN. Well—

Mr. LODGE. I did not myself vote on it on that basis.

Mr. TILLMAN. Mr. President, if we have reached a point in debate here where we can not do what a majority of us want to do, we are in a very deplorable fix, and as the Senate, as I said, has twice refused to entertain those points of order and we have a unanimous-consent agreement which obstructs us from doing what some Senators here want to do, I am especially anxious to reach some *modus vivendi* by which we can do business and can vote on something.

Mr. LODGE. Why not move to lay the amendment on the table?

Mr. TILLMAN. We have refused to lay the amendment on the table, for I made that motion yesterday afternoon, and I could not get a majority vote for the motion.

Mr. LODGE. Why not try it again?

Mr. TILLMAN. I am afraid to do so after my experience yesterday, because when I have been run over once I am not in a great hurry to be run over again. Moreover, I do not want to lay this matter on the table. It is too serious and vital an issue, and the people of this country are watching to see whether the Senate, knowing that the evil exists, has not got either the sense or the courage to deal with it. That is my understanding of the situation. We all know there are grave abuses and outrageous conditions not only in West Virginia, but in Pennsylvania, in East Tennessee, in the Indian Territory, and I do not know where else. I will read, for the information of the Senate, what very few Senators have ever read since I introduced my report here, some observations I made on this very topic in the brief report which I presented.

The necessity for granting, at some time, relief to producers and shippers in several important particulars not provided for in this bill may be wisely considered in connection with the pending discussion—

I am speaking of the rate making—

There is no provision, except a most vague and indefinite one, for the anomalous and outrageous condition of affairs disclosed as existing in West Virginia. The letter of Governor Dawson, of that State, published in the CONGRESSIONAL RECORD of February 8, and the memorial of the Red Rock Fuel Company, published in the RECORD of January 29, taken together, disclose a situation that is almost beyond belief. The railroads have seized on the vast mineral wealth of the State in its extensive coal fields and have created a monopoly in that prime necessity of life, fuel.

Landowners who wish to mine and ship their coal are denied access to market, while the roads themselves are engaged extensively in mining and shipping coal; and when private individuals or companies seek to develop their coal lands and send their product to market, the railroads deny or refuse to grant them the privilege of engaging in interstate commerce. In the case of the Red Rock Fuel Company physical connection was refused. They would not permit this coal-mining company to join its track with a switch to the track of the Baltimore and Ohio Railroad and thus obtain an outlet. In other cases mines have had to shut down because of the denial of cars by the railroads. The coal output, in effect, is controlled absolutely by the railroads in their own interest, and in the case of this particular State the infamy of the situation is aggravated by the fact, which is practically proven—

And has since been absolutely proven—

that the three railroad systems entering West Virginia are controlled by an outside road, the Pennsylvania.

There are many other instances in which the proof has been furnished of even more outrageous abuse of power than in the instance cited of the Red Rock Fuel Company case. Where connections between the mines of private companies were already in existence under arrangements made some years ago, the tracks have been torn up and virtual confiscation of the property is threatened. Vested with the rights of

eminent domain to construct their lines and granted liberal franchises and charters, the railroads, designed to be public carriers for the benefit of the whole people, in the last few years have become rapidly transformed into the veriest band of robbers—highwaymen who do not thrust their pistols in the faces of their victims and demand money or their lives, but who levy tribute in freight rates which are as high as the traffic will bear, deny access to market, monopolize with brazen effrontery one of the prime necessities of life—coal—and in every way show their absolute contempt for the people and the people's rights.

The condition of affairs in West Virginia is even worse in Pennsylvania, and from every point of the country come reports that the railroads have practically already obtained control of almost all the coal lands, and where they have not bought the land itself they have obtained mineral leases and are rapidly carrying out the scheme of monopolizing the fuel supply of 85,000,000 people. In Pennsylvania it is charged that they have for years controlled absolutely the State government, and they snap their fingers in contempt at any and every effort to enforce the law and the constitution which prohibits the ownership of coal mines by public carriers. It will be a task of immense difficulty to undo the incalculable mischief and wrong that has already been done.

The plea of vested rights and the complications from the secret transfers, the purchase by holding companies and trust companies, the ramifications of partnerships and of trusteeships, and of other subtle agencies contrived by hundreds of the best legal minds in the country, whose services are at the command of these gigantic corporations, will require firmness, perseverance, and patience by Congress, to grant relief from existing conditions and safeguard the public interests in the future. It is our bounden duty to amend this bill so as to compel every public carrier to give the freest possible access to market to every producer who wishes to engage in interstate commerce.

We should incorporate an amendment in the bill which will compel all railroads to make connections with any and every other railroad, public or private, and grant just and fair traffic arrangements, so as to put every producer upon an equal footing with every other producer. There should also be a provision incorporated in this bill to divorce absolutely the business of transporting freight as a public carrier and the business of producing freight to be transported. The temptation to discriminate against competitors on the part of a public carrier is too great, and it stands to reason that a producer who controls the means of transportation to market at the same time will discriminate against and will in the end destroy every competitor who is in the same business with him.

Now, Senators, we had just as well understand that if we dodge this question and return it to the committee or refuse to do something in regard to it, the people will hold us to account. It is not my business to warn you, but I beg you to do something here.

The VICE-PRESIDENT. The question is on agreeing to the amendment, in the nature of a substitute, proposed by the Senator from Texas [Mr. CULBERSON] to the amendment of the Senator from West Virginia [Mr. ELKINS].

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. Let the amendment be stated.

Mr. LODGE. Oh, no; it is very long.

Mr. BEVERIDGE. I want to know what it is.

Mr. FRYE. It has been read four times.

The VICE-PRESIDENT. Does the Senator from Indiana withdraw his request?

Mr. BEVERIDGE. If, as I understand, the amendment is very long, I withdraw the request.

Mr. CLARK of Montana. I should like to have the amendment read.

The VICE-PRESIDENT. The Secretary will again read the amendment to the amendment.

The Secretary read the proposed amendment to the amendment, as follows:

It shall be unlawful for any corporation, association, or joint stock company engaged as a common carrier in foreign or interstate commerce to engage, directly or indirectly, through its officers, agents, representatives, employees, directors, or corporations organized for the purpose, or otherwise, in the production, manufacture, buying, furnishing, or selling of coal, coke, or other commodity of commerce to be transported by and for it as a common carrier beyond the State or Territory where such coal, coke, or other commodity of commerce is produced, manufactured, bought, or the possession thereof is obtained by said corporation, association, or joint stock company. Any violation of this provision shall be deemed a misdemeanor, and the corporation, association, or joint stock company found guilty thereof shall be fined \$500 per day for each day it shall unlawfully engage in the production, manufacture, buying, furnishing, or selling as aforesaid: *Provided*, That when any coal, coke, or other commodity of commerce which is produced, manufactured, bought, furnished, or sold by such corporation, association, or joint stock company is transported by and for it as a common carrier beyond the State or Territory where it is produced, manufactured, bought, furnished, or sold, it shall be prima facie evidence that it was produced, manufactured, bought, furnished, or sold for such transportation: *Provided further*, That this provision shall not be construed to prohibit such corporation, association, or joint stock company from mining fuel or other commodities exclusively for its own use: *Provided further*, That this provision shall take effect from and after July 1, 1908.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON], and therefore withhold my vote.

The roll call was concluded.

Mr. SPOONER. I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. He is in accord with the Senator from South Carolina [Mr. TILLMAN] on all

questions arising under this bill. I therefore can not tell whether I can vote or not until after the Senator from South Carolina has voted. In this instance, if agreeable to him, I vote "nay."

Mr. GAMBLE. I inquire whether the senior Senator from Nevada [Mr. NEWLANDS] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. GAMBLE. I have a general pair with that Senator, and therefore withhold my vote. If he were present, I should vote "nay."

Mr. GAMBLE subsequently said: I observe that the Senator from Nevada [Mr. NEWLANDS] is now present, and I desire to vote. I vote "nay."

The result was announced—yeas 11, nays 62, as follows:

YEAS—11.			
Bacon	Culbertson	La Follette	Tallaferro
Berry	Dubois	McEnery	Warren
Clarke, Ark.	Gearin	Money	
NAYS—62.			
Aldrich	Cullom	Hansbrough	Perkins
Allee	Daniel	Hopkins	Pettus
Ankeny	Dick	Kean	Piles
Bailey	Dillingham	Kittredge	Rayner
Beveridge	Dolliver	Knox	Scott
Blackburn	Dryden	Latimer	Simmons
Brandegee	Elkins	Lodge	Smoot
Bulkeley	Flint	Long	Spooner
Burkett	Foraker	McCreary	Stone
Burnham	Foster	McCumber	Sutherland
Burrows	Frazier	McLaurin	Teller
Carter	Frye	Martin	Tillman
Clapp	Fulton	Millard	Warner
Clark, Mont.	Gallinger	Nelson	Wetmore
Clark, Wyo.	Gamble	Nixon	
Crane	Hale	Overman	
NOT VOTING—16.			
Alger	Clay	Heyburn	Patterson
Allison	Depew	Mallory	Penrose
Burton	Gorman	Morgan	Platt
Carmack	Hemenway	Newlands	Proctor

So the amendment of Mr. CULBERSON, in the nature of a substitute, to the amendment of Mr. ELKINS was rejected.

Mr. ELKINS. I now offer a substitute for the original amendment I introduced.

Mr. BAILEY. If the Senator from West Virginia will allow the vote to be taken on his original motion, I think we can take it without debate. I wish myself to vote for it, although I believe it will be voted down. Then the vote can be taken on the suggestion of the Senator from Mississippi, and that will allow every Senator to express his opinion on both. I think it can be disposed of more readily in that way than it can in any other. I make that suggestion in the interest of a prompt disposition of the matter.

Mr. ELKINS. I hope the Senator will not press that suggestion, because I want a vote on the substitute.

Mr. BAILEY. I am going to have a vote on the most drastic proposition, and I shall offer the Senator's abandoned proposition in lieu of the one he now offers.

Mr. ELKINS. Does the Senator mean the amendment as amended by the Senator from New Jersey?

Mr. BAILEY. If the Senator will allow us to vote on the original proposition, as corrected in accordance with my suggestion, and that is voted down, then the Senator from Mississippi has a proposition, and we will vote on it, and I believe we can do it all without debate.

Mr. ELKINS. I have offered that as a substitute now.

Mr. GALLINGER. Let the substitute be read.

Mr. ELKINS. Let it be read.

The VICE-PRESIDENT. The substitute proposed by the Senator from West Virginia will be read.

The SECRETARY. In lieu of the amendment proposed by the Senator from West Virginia as amended, it is proposed to insert the following:

From and after May, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States, or to any foreign country, any article or commodity manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. BACON. Mr. President, I wish to say a word. I do not think the amendment will be effective. The evil sought to be remedied, as I understand, is that railroad companies own coal mines and monopolize the production and the carriage of this property. The substitute does not in any manner prevent their continuing to own the coal mines or continuing to transport the coal, so long as that transportation is limited to the particular State in which the coal mines are located and the railroad is situated. We will take, for illustration, the coal

mines in the State of Pennsylvania, in which State, I believe, most of them are that would be reached by this proposed legislation. So long as those companies have the coal mines in the State of Pennsylvania and their railroads within the State of Pennsylvania, they can still own the mines and still transport the coal to the termini of those railroads inside the State of Pennsylvania. In other words, the railroad companies will still own the coal mines and still monopolize the transportation, say to the port of Philadelphia; and so long as they limit themselves to that and do not transport beyond the limits of the State of Pennsylvania the proposed amendment will not touch them.

Now, in what manner will that cure the evil? I repeat, so long as they continue to own the mines and to operate the mines and to monopolize the transportation, exclusively monopolize the transportation of coal, limiting themselves to the carriage simply to the port of Philadelphia, unless it is intended thereafter to be carried to other points, this proposed legislation will not touch them. In other words, they will go on just as they are now.

For that reason I think the original amendment proposed by the Senator from West Virginia is very much more effective than this, and I do not think this will be effective in any degree if my construction of it is correct.

Mr. BAILEY. Mr. President, no law of Congress can control the transportation of any article taken up inside and put down inside of a State. But no carrier can be or will be permitted to withdraw its interstate commerce from the jurisdiction of the Federal Government by consigning it twice, because if it starts from one State and finally goes into another State or into a foreign country the Federal Government's jurisdiction attaches.

As for my part, I do not believe this amendment, although it meets the approval of some of the most earnest friends of this legislation and some of the most distinguished lawyers on this side, goes far enough. I want to make an absolute prohibition against any common carrier engaging in interstate commerce, if it likewise engages in these prohibited industries. But I recognize that we have no power to prohibit anybody within a State engaging in those industries, and therefore I want the prohibition directed against participation in interstate commerce by any carrier who engages in those prohibited industries.

But, Mr. President, if the Senate does not agree with me, and if this substitute goes as far as the Congress at this time is willing to go, I shall not consume any time in a fruitless debate. But I do believe that the Senator from West Virginia, and all other Senators, ought to be willing to take the sense of this body as to which of these propositions shall prevail. There are more than several of us who believe that the absolute, complete, and full prohibition against the common carrier ought to be enacted. There are others, I fear a majority, who feel that in striving to separate the common carrier from the business of mining and other forms of production we might seriously interrupt the commerce of the country. Those represent, as I believe, the two views in the Senate. The Senator from West Virginia proposes the second view as a substitute for the first, and if it is adopted, then those who believe in the first have no opportunity for taking the sense of the Senate. I appeal to him and to the Senate that as they are the two propositions we may have a fair vote on each of them.

Mr. DANIEL. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Virginia?

Mr. BAILEY. Certainly.

Mr. DANIEL. It is for a question. Does the Senator consider that both propositions are in the amendment originally offered by the Senator from West Virginia?

Mr. BAILEY. I do not. I think—

Mr. DANIEL. I hardly thought so, and I want to suggest this to the Senator from Texas: There will be no trouble in offering the separate idea, whereas if you put the two ideas together, you direct against the amendment the antagonism to both which might not exist as to one of them. Therefore there can be no trouble in adopting the amendment of the Senator from West Virginia, and that and the amendment of the Senator from Mississippi are both identical with an amendment of which I gave notice day before yesterday, and which I have not had the opportunity to offer.

I am glad to see that on both sides of the Chamber the views which I had the honor to present are being practically adopted. I do not wish to confuse by any effort of my own or by mingling with another idea the chance to get through one good thing. I suggest to the Senator would it not be better to let this amendment be adopted, with any verbal alterations he may desire to make, and then put the other idea separately and for itself.

Mr. GALLINGER rose.

Mr. BAILEY. Of course I can reach my end, and I will reach it. The Senator from West Virginia can have a vote on the proposition now, and when we go into the Senate I can offer a substitute for what we adopt now.

Mr. ALDRICH. That is right.

Mr. GALLINGER. That is what I rose to suggest.

Mr. BAILEY. With notice that I shall do that, I will not further delay a vote.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from West Virginia.

Mr. DANIEL. I ask that it may be read.

Mr. CARTER. Let it be read.

The VICE-PRESIDENT. At the request of the Senators from Virginia and Montana, it will be again reported by the Secretary.

The SECRETARY. In lieu of the amendment proposed by the Senator from West Virginia as amended it is proposed to insert the following:

From and after May, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States or to any foreign country any article or commodity manufactured, mined, or produced by it or under its authority or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. BACON. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Georgia will state his parliamentary inquiry.

Mr. BACON. This, as I understand, it is proposed to substitute for the pending amendment?

The VICE-PRESIDENT. It is.

Mr. BACON. The inquiry I desire to make of the Chair is this: In case the substitute is adopted, will the Chair still hold that there is a vote to be had on the amendment as amended?

The VICE-PRESIDENT. The Chair understands that it is equivalent to a motion to strike out and insert, and that the substitute if adopted will stand in lieu of the original amendment.

Mr. BACON. And then be put to a vote?

Mr. ALDRICH. Yes; of course.

The VICE-PRESIDENT. It will not require an additional vote.

Mr. ALDRICH. It will require an additional vote.

The VICE-PRESIDENT. As it is a complete substitute—

Mr. ALDRICH. The question will be first on the substitution of this for the other amendment, and then upon the adoption of the amendment as amended.

Mr. BACON. The reason I propounded the inquiry is that there are some who would oppose it as a substitute who would vote for it if it were a final proposition. Therefore I desired to know in advance how that would be.

Mr. LA FOLLETTE. My attention was distracted for the moment while the proposition was being read by the Secretary, and in order to identify it without calling again for its reading, I should like to inquire whether it is the same proposition that was offered by the Senator from Mississippi [Mr. McLAURIN]?

The VICE-PRESIDENT. The Chair understands it is precisely the same.

Mr. CLAY. I may have misunderstood the ruling of the Chair, but, as I understand, it was this: If a majority of the Senate shall vote in favor of adopting the substitute in lieu of the amendment, that is equivalent to agreeing to the amendment as amended. As I understand, the parliamentary situation is this: Senators may prefer this amendment in lieu of the original amendment, and at the same time Senators may be opposed to either amendment. As I understand, after this amendment is voted on, if it is accepted in lieu of the original amendment, then the first amendment must be put to the Senate for its approval.

The VICE-PRESIDENT. If it is the desire, the Chair will, of course, put the question on the amendment as amended. Yet it seems useless, as the substitute is to stand in lieu of the original amendment.

Mr. GALLINGER. But it might be rejected.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from West Virginia.

The substitute was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia as amended.

Mr. TILLMAN. Let us have the yeas and nays, please.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

The roll call having been concluded, the result was announced—yeas 67, nays 6, as follows:

YEAS—67.

Aldrich	Cullerson	Hansbrough	Nixon
Allee	Cullom	Hemenway	Overman
Bacon	Daniel	Hopkins	Perkins
Bailey	Dick	Kean	Piles
Berry	Dillingham	Kittredge	Rayner
Beveridge	Dolliver	Knox	Scott
Blackburn	Dryden	La Follette	Simmons
Brandegee	Dubois	Latimer	Smoot
Burkett	Elkins	Lodge	Spooner
Burnham	Flint	Long	Stone
Burrows	Foraker	McCreary	Sutherland
Carter	Foster	McCumber	Tallaferro
Clapp	Frazier	McEnery	Teller
Clark, Mont.	Frye	McLaurin	Tillman
Clarke, Ark.	Gallinger	Martha	Warner
Clay	Gamble	Money	Wetmore
Crane	Hale	Nelson	

NAYS—6.

Ankeny	Clark, Wyo.	Pettus	Warren
Bulkeley	Millard		

NOT VOTING—16

Alger	Depew	Heyburn	Patterson
Allison	Fulton	Mallory	Penrose
Burton	Gearin	Morgan	Platt
Carmack	Gorman	Newlands	Proctor

So the amendment of Mr. ELKINS as amended was agreed to.

Mr. ELKINS. I offer an amendment to come in after section 1.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert at the end of section 1 the following:

Any common carrier subject to the provisions of this act shall promptly, upon application of any shipper tendering interstate traffic for transportation, construct, maintain, and operate upon reasonable terms a switch connection with any private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read.

The amendment was agreed to.

Mr. BAILEY. I submit the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. On page 2, line 18, before the word "The," insert:

The term common carrier as used in this act shall include express companies and sleeping car companies.

The amendment was agreed to.

Mr. WARNER. I offer the amendment I send to the desk.

The SECRETARY. In the print of May 8—

Mr. LODGE. Where does it come in?

The SECRETARY. It reads:

After the last line of the substitute of the senior Senator from Texas to the amendment of the senior Senator from Ohio.

The VICE-PRESIDENT. To what point in the bill does the Senator from Missouri address his amendment?

Mr. WARNER. It is not in the printed bill. It comes in after the last line of the substitute of the Senator from Texas to the amendment of the Senator from Ohio. I can not give the line.

The SECRETARY. It is proposed to insert:

It shall be the duty of carriers engaged in interstate commerce to give like accommodations to all persons paying the same compensation for interstate transportation of passengers.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. DANIEL. Is the amendment offered to a pending section?

The VICE-PRESIDENT. The Chair understands that it is offered as an independent proposition to come in at the end of section 1.

Mr. DANIEL. I ask that it may be read once more.

The VICE-PRESIDENT. The Secretary will again read the amendment, at the request of the Senator from Virginia.

The SECRETARY. At the end of section 1, after the amendment already agreed to at that place, insert:

It shall be the duty of carriers engaged in interstate commerce to give like accommodations to all persons paying the same compensation for interstate transportation of passengers.

Mr. FORAKER. I move to amend the amendment as offered by the Senator from Missouri by striking out the word "like," in line 2 of his amendment, and inserting in lieu thereof "equally good service and;" so as to read, "to give equally good service and accommodations."

Mr. MONEY. That is right.

Mr. WARNER. I have no objection to that amendment.

The VICE-PRESIDENT. The Senator from Missouri modifies his amendment as suggested by the Senator from Ohio. The modification will be stated.

The SECRETARY. Strike out the word "like," in line 2, and insert "equally good service and."

Mr. BACON. So as to read?

The SECRETARY. So as to read:

It shall be the duty of carriers engaged in interstate commerce to give equally good service and accommodations to all persons paying the same compensation for interstate transportation of passengers.

Mr. BACON. Mr. President, we had some discussion on this question a few days ago. I desire to say for myself—I have had no opportunity to confer with others, but the amendment now offered by the Senator from Ohio is a very great improvement on the one offered before, and so far as I know it is unobjectionable.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. ELKINS. I offer an amendment, found on page 161 of the printed amendments.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add the following as a separate paragraph at the end of section 1, after the amendments already agreed to at that place:

That any common carrier subject to the provisions of this act shall promptly, upon application of any connecting lateral or branch line, and upon reasonable terms, make connections and fair, just, and reasonable prorating arrangements and division of joint or through rates with such connecting branch or lateral lines.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. DOLLIVER. It seems to me that that is already in the bill. There is a provision in the bill which provides for the order of the Commission making through rates and just and reasonable rates applicable to them.

Mr. ELKINS. It is not covered by the bill. I differ from the Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read. [Putting the question.] By the sound the noes seem to have it.

Mr. ELKINS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The amendment is rejected.

Mr. McCUMBER. I offer an amendment found on page 27 of the printed amendments.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 13, after the word "thereto," insert:

That on and after January 1, 1909, every railroad company doing an interstate-commerce business shall furnish all freight cars, whether refrigerator, cold-storage, or other specially constructed or designed cars for the carriage of special merchandise, necessary for the conduct of its business as a common carrier, and shall furnish at just and reasonable rates all icing and other service necessary or proper for the protection of any goods in transit; and on and after such date no such railroad company shall enter into any contract with the owner or shipper of any goods to ship the same in the cars of such owner or shipper or pay any rental for such cars.

Mr. McCUMBER. Mr. President, all I have to say is that the amendment is aimed at the destruction finally of the private car system. It gives time enough, two years and a half or three years, in which to make the change, and after the expiration of three years then the railroads must furnish their own cars and not use the cars of private companies. It will abolish that system after the year 1908. I do not care about making any argument upon it. I would just as soon have a vote now.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment was rejected.

Mr. McLaurin. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1 of the bill, line 8—

Mr. LODGE. What is the page in the printed amendments?

The VICE-PRESIDENT. It is not among the printed amendments. The amendment will be stated.

The SECRETARY. Strike out on page 1 all between the word "property," in line 8, and the word "from," in line 11.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. Gallinger. Let the provision be read as it would read if amended.

The VICE-PRESIDENT. The Secretary will read the provision as it would stand if amended.

Mr. McLaurin. I ask that the clause beginning with the

word "wholly," in line 8, to the word "shipment," in line 11, may be read, and then that that part of the section shall be read as it will stand if this amendment shall be adopted.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. After the word "property," in line 8, it is proposed to strike out the following words:

Wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment).

So as to read:

Sec. 1. That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. HOPKINS. Let the Secretary proceed with the reading of the bill.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read section 2 of the bill, beginning on page 3.

Mr. LA FOLLETTE. I did not understand that we had left section 1.

The VICE-PRESIDENT. We have left section 1.

Mr. LA FOLLETTE. There is an amendment which I desire to offer to follow section 1.

The VICE-PRESIDENT. Strictly speaking, the amendment would not be in order, but if there is no objection the Chair will entertain the motion to amend.

Mr. LODGE. Where is it proposed to insert the amendment?

Mr. LA FOLLETTE. At the end of section 1.

The VICE-PRESIDENT. Following the last amendment adopted at the foot of section 1?

Mr. LA FOLLETTE. Yes, sir.

Mr. LODGE. Before section 2?

Mr. LA FOLLETTE. Before section 2.

Mr. BACON. Mr. President, I simply rose because I understand the Chair to have ruled in a way which might affect future proceedings. The Chair will, perhaps, recall that a few days ago we discussed the very question whether or not if a section were passed it would be in order for a Senator thereafter who might for any reason have failed to offer his amendment at that time to return and offer it. It was then the general consensus of opinion that such would be the case.

The VICE-PRESIDENT. The Chair's interpretation of the rule is that after the bill is read by sections for amendment, in the manner in which it is being read now, before it leaves the Committee of the Whole the bill will still be in Committee of the Whole and open to amendment.

Mr. BACON. To any section?

The VICE-PRESIDENT. To any section. The Secretary will read the amendment proposed by the junior Senator from Wisconsin.

Mr. KEAN. Before the Secretary reads the amendment, I have an amendment to this whole section that I will offer and have printed. I will say to the Senate that it is practically the section that was in the Interstate Commerce Commission bill. It is not entirely, but very nearly that section.

The VICE-PRESIDENT. The amendment will be printed. The Secretary will read the amendment offered by the junior Senator from Wisconsin [Mr. LA FOLLETTE].

The SECRETARY. After the last amendment, just agreed to, insert the following, to be known as section 1a:

SECTION 1a. That section 4 of said act be amended so as to read as follows:

"Sec. 4. The Commission created by this act may, in its discretion, upon notice and hearing, prohibit any common carrier subject to the provisions of this act from charging or receiving any greater compensation in the aggregate for the transportation of passengers or like kind of property for a shorter than for a longer distance, over the same line in the same direction, the shorter being included within the longer distance, or may, upon such notice and hearing, prescribe the extent to which such greater compensation may be received; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance."

Mr. LA FOLLETTE. Mr. President, I only wish to say a word in support of the amendment which I have offered. The long and short haul section of the law of 1887 was designed to prevent discriminations as between places. As construed by the Supreme Court it is in the power of the railroad companies to create and maintain conditions which nullify the law. This they have done until every State suffers on account of discrimi-

nations which the section as originally enacted was intended to prohibit. Every section of our country offers examples of higher charges for a short haul than for hauls that are much longer—the shorter haul being within and a part of the longer haul.

The amendment proposes to invest the Commission with authority to determine under what conditions the long and short haul principle shall be applied. If adopted as a part of this bill, it will be enforced only upon complaint and investigation which convinces the Commission that justice requires that it should be enforced. Precisely this amendment was recommended by the Commission in 1897, and that recommendation has been reaffirmed and repeated in every report which the Commission has submitted to Congress from 1897 to the present time.

The bill presented to the Senate by the Committee on Interstate Commerce, and now under consideration, reenacts the old law, and reenacts in section 4 the provision which as construed by the Supreme Court, as I said a moment ago, enables a railroad company to nullify the purpose of Congress when it enacted that section in the law of 1887.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the junior Senator from Wisconsin. [Putting the question.] The yeas seem to have it.

Mr. LA FOLLETTE. I should like to have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SPOONER (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Michigan [Mr. ALGER], and I vote "nay."

The roll call was concluded.

Mr. GAMBLE. Has the senior Senator from Nevada [Mr. NEWLANDS] voted?

The VICE-PRESIDENT. He did not vote.

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada, and therefore withhold my vote.

The result was announced—yeas 25, nays 46, as follows:

YEAS—25.

Bacon	Cullom	McLaurin	Stone
Bailey	Daniel	Martin	Tallaferro
Berry	Dubois	Money	Teller
Blackburn	Frazier	Overman	Tillman
Clarke, Ark.	La Follette	Pettus	
Clay	Latimer	Rayner	
Culberson	McCreary	Simmons	

NAYS—46.

Aldrich	Clark, Wyo.	Hale	Nixon
Allee	Crane	Hansbrough	Perkins
Ankeny	Dick	Hemenway	Piles
Beveridge	Dillingham	Hopkins	Scott
Brandegee	Dolliver	Kean	Smoot
Bulkeley	Dryden	Kittredge	Spooner
Burkett	Elkins	Knox	Sutherland
Burnham	Flint	Lodge	Warner
Burrows	Foraker	Long	Warren
Carter	Fulton	McCumber	Wetmore
Clapp	Gallinger	Millard	
Clark, Mont.	Gearin	Nelson	

NOT VOTING—18.

Alger	Foster	McEnery	Penrose
Allison	Krye	Mallory	Platt
Burton	Gamble	Morgan	Proctor
Carmack	Gorman	Newlands	
Depew	Heyburn	Patterson	

So Mr. LA FOLLETTE's amendment was rejected.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 10, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 9, 1906.

CONSULS-GENERAL AT LARGE.

George H. Murphy, of North Carolina, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Charles M. Dickinson, of New York, now consul-general at Constantinople, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Fleming D. Cheshire, of New York, now consul-general at

Mukden, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Richard M. Bartleman, of Massachusetts, now consul at Seville, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Horace Lee Washington, of the District of Columbia, now consul-general at Cape Town, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

POSTMASTERS.

ILLINOIS.

James Bromilow to be postmaster at Chillicothe, in the county of Peoria and State of Illinois, in place of James Bromilow. Incumbent's commission expires June 4, 1906.

Samuel S. Dingel to be postmaster at Wilmette, in the county of Cook and State of Illinois, in place of Samuel S. Dingel. Incumbent's commission expires June 25, 1906.

J. P. Overholser to be postmaster at Sterling, in the county of Whiteside and State of Illinois, in place of Thomas Diller. Incumbent's commission expired March 14, 1906.

Alexander B. Sproul to be postmaster at Sparta, in the county of Randolph and State of Illinois, in place of Alexander B. Sproul. Incumbent's commission expires July 1, 1906.

INDIAN TERRITORY.

William H. Hilton to be postmaster at Durant, in District 25, Indian Territory, in place of William H. Hilton. Incumbent's commission expires June 10, 1906.

IOWA.

Hans Keiser to be postmaster at Elgin, in the county of Fayette and State of Iowa, in place of Hans Keiser. Incumbent's commission expired March 1, 1906.

KANSAS.

William E. Menoher to be postmaster at Lincoln, in the county of Lincoln and State of Kansas, in place of William E. Menoher. Incumbent's commission expires June 24, 1906.

MISSOURI.

Frederick W. Deuser to be postmaster at Clayton, in the county of St. Louis and State of Missouri. Office became Presidential April 1, 1906.

NEW JERSEY.

Frederic B. Taylor to be postmaster at South Orange, in the county of Essex and State of New Jersey, in place of Frederic B. Taylor. Incumbent's commission expires May 16, 1906.

NEW YORK.

Reuben F. Hoff to be postmaster at Union Springs, in the county of Cayuga and State of New York, in place of Reuben F. Hoff. Incumbent's commission expires May 14, 1906.

J. Fenton Olive to be postmaster at Cuba, in the county of Allegany and State of New York, in place of J. Fenton Olive. Incumbent's commission expired April 22, 1906.

OHIO.

James D. Carpenter to be postmaster at Lodi, in the county of Medina and State of Ohio, in place of Henry C. Turner. Incumbent's commission expired April 30, 1906.

Eliza B. Lockwood to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio, in place of Eliza B. Lockwood. Incumbent's commission expires June 30, 1906.

Charles A. Moodey to be postmaster at Painesville, in the county of Lake and State of Ohio, in place of John P. Barden. Incumbent's commission expires June 9, 1906.

James H. Rabbitts to be postmaster at Springfield, in the county of Clark and State of Ohio, in place of James H. Rabbitts. Incumbent's commission expires May 16, 1906.

OREGON.

David L. Moomaw to be postmaster at Baker City, in the county of Baker and State of Oregon, in place of David L. Moomaw. Incumbent's commission expired January 21, 1906.

PENNSYLVANIA.

William H. Davis to be postmaster at Pittsburg, in the county of Allegheny and State of Pennsylvania, in place of George L. Holliday. Incumbent's commission expired May 2, 1906.

David W. Morgan to be postmaster at Franklin, in the county of Venango and State of Pennsylvania, in place of David W. Morgan. Incumbent's commission expires June 19, 1906.

TEXAS.

George W. Hill to be postmaster at Saratoga, in the county of Hardin and State of Texas. Office became Presidential April 1, 1906.

William M. Nagle to be postmaster at Denison, in the county of Grayson and State of Texas, in place of William M. Nagle. Incumbent's commission expired April 30, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 9, 1906.

APPOINTMENTS IN THE NAVY.

Abraham H. Allen, a citizen of Pennsylvania, to be an assistant surgeon in the Navy from the 2d day of May, 1906.

Gunner Conrad W. Ljungquist to be a chief gunner in the Navy from the 10th day of March, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

PROMOTION IN THE NAVY.

Midshipman Bradford Barnette to be an ensign in the Navy from the 2d day of February, 1906.

POSTMASTERS.

GEORGIA.

Henry Blun, jr., to be postmaster at Savannah, in the county of Chatham and State of Georgia.

INDIANA.

Walter G. Bridges to be postmaster at Greenfield, in the county of Hancock and State of Indiana.

J. Albert Spekenhire to be postmaster at Richmond, in the county of Wayne and State of Indiana.

Luther Worl to be postmaster at Matthews, in the county of Grant and State of Indiana.

INDIAN TERRITORY.

John McL. Dorchester to be postmaster at Pauls Valley, District 17, Ind. T.

KANSAS.

Lavelle H. Boyd to be postmaster at Russell, in the county of Russell and State of Kansas.

KENTUCKY.

George M. Crider to be postmaster at Marion, in the county of Crittenden and State of Kentucky.

Samuel T. Moore to be postmaster at Princeton, in the county of Caldwell and State of Kentucky.

MASSACHUSETTS.

Louise G. Newton to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts.

MINNESOTA.

Kee Wakefield to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota.

MICHIGAN.

William S. Linton to be postmaster at Saginaw, in the county of Saginaw and State of Michigan.

Henry D. Northway to be postmaster at Midland, in the county of Midland and State of Michigan.

MISSOURI.

Joseph H. Smith to be postmaster at Warrensburg, in the county of Johnson and State of Missouri.

Isaac N. Strawn to be postmaster at Hopkins, in the county of Nodaway and State of Missouri.

NEBRASKA.

John R. Hays to be postmaster at Norfolk, in the county of Madison and State of Nebraska.

NEW HAMPSHIRE.

Addison H. Frizzell to be postmaster at Groveton, in the county of Coos and State of New Hampshire.

NEW JERSEY.

Henry B. Hagerman to be postmaster at Mahwah, in the county of Bergen and State of New Jersey.

Carl L. Richter to be postmaster at Fort Lee, in the county of Bergen and State of New Jersey.

NEW MEXICO.

Dora W. Howard to be postmaster at San Marcial, in the county of Socorro and Territory of New Mexico.

NEW YORK.

Edward T. Cole to be postmaster at Garrison, in the county of Putnam and State of New York.

NORTH CAROLINA.

John O. Burton to be postmaster at Weldon, in the county of Halifax and State of North Carolina.

Joshua P. Jessup to be postmaster at Hertford, in the county of Perquimans and State of North Carolina.

Patrick J. O'Brien to be postmaster at Durham, in the county of Durham and State of North Carolina.

Joseph G. Walser to be postmaster at Lexington, in the county of Davidson and State of North Carolina.

NORTH DAKOTA.

Henry F. Speiser to be postmaster at Fessenden, in the county of Wells and State of North Dakota.

PENNSYLVANIA.

David W. Morgan to be postmaster at Franklin, in the county of Venango and State of Pennsylvania.

WASHINGTON.

William T. Cavanaugh to be postmaster at Olympia, in the county of Thurston and State of Washington.

Daniel Crowley to be postmaster at Vancouver, in the county of Clarke and State of Washington.

REJECTION.

Executive nomination rejected by the Senate May 9, 1906.

RECEIVER OF PUBLIC MONEYS.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont., to take effect May 21, 1906.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 9, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

MR. PAYNE. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The gentleman from New York moves that the Journal be approved.

The question was taken; and the motion was agreed to.

CHANGE OF REFERENCE.

Mr. CASSEL. Mr. Speaker, I move the following change of reference.

The SPEAKER. The gentleman from Pennsylvania moves the following change of reference, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18444) to prevent the loss of life through accidents to passengers at elevator shafts, from the Committee on Accounts to the Committee on Public Buildings and Grounds.

The question was taken; and the motion was agreed to.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. CASSEL. Mr. Speaker, I offer the following privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolution No. 419.

Whereas no examination of the expenditures in the Department of Agriculture has been made by the Committee on Expenditures in the Department of Agriculture for a number of years and such an examination is now necessary in the interest of the public service; and

Whereas said examination can not be had by said committee unless authority therefor is conferred upon said committee; Therefore

Resolved, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to examine, so far as the Department of Agriculture is concerned, all of the matters referred to in paragraph 42 of Rule XI of the House of Representatives, and for that purpose it may send for persons and papers; and said committee is authorized to employ a competent stenographer while conducting said examination, and to sit during the sessions of the House, and to report the result of its examination with any recommendations to the House.

Any expenses incurred hereunder to be paid from the contingent fund of the House on the certificate of the chairman of the committee and approval of the Committee on Accounts.

Mr. WILLIAMS. Mr. Speaker, I desire to say a word concerning the resolution.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. CASSEL. For a question.

Mr. BARTLETT. Will the gentleman from Pennsylvania yield to me for a moment?

Mr. CASSEL. Yes, sir.

Mr. BARTLETT. Then I yield to the gentleman from Mississippi the time yielded me by the gentleman from Pennsylvania.

The SPEAKER. How much time does the gentleman yield?

Mr. BARTLETT. Five minutes.

Mr. WILLIAMS. Mr. Speaker, I will not need five minutes. I want to say merely that I think this is a proper step to take and the right course to pursue for this Committee on Expenditures in the Department of Agriculture, and to express my hope that the other committees on expenditures in the several Departments will wake up to the fact that they have a very important work to do. The most important committees of this House, if they do their duty, for the purposes of economy and honesty of administration, are the committees on expenditures in the several Departments. I am glad that this particular Committee on Expenditures is taking this step, and I hope it will be imitated by the other committees on expenditures in the other Departments.

The question was taken; and the resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18750—the naval appropriation bill.

Mr. WILLIAMS. Mr. Speaker, to save the time of the House, and at the same time determine whether there be a quorum present, I call for the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 4, answered "present" 12, not voting 123, as follows:

YEAS—242.

Adams, Pa.	Davis, W. Va.	Kitchin, Wm. W.	Richardson, Ala.
Adams, Wis.	Dawes	Klepper	Rives
Aiken	Dawson	Kline	Rixey
Alexander	De Armond	Knopf	Roberts
Allen, Me.	Deemer	Knowland	Robertson, La.
Ames	Dickson, Ill.	Lacey	Robinson, Ark.
Andrus	Dixon, Ind.	Lafean	Rodenberg
Bannon	Draper	Lamb	Rucker
Barchfeld	Dresser	Landis, Chas. B.	Ruppert
Bartholdt	Dwight	Lawrence	Russell
Bartlett	Edwards	Lester	Samuel
Bates	Ellerbe	Lilliey, Conn.	Schneebell
Beall, Tex.	Ellis	Lindsay	Scott
Bede	Esch	Little	Sherman
Beidler	Finley	Livingston	Sims
Bell, Ga.	Fitzgerald	Lloyd	Slayden
Bennet, N. Y.	Flack	Lorimer	Slemp
Bennett, Ky.	Fletcher	Loud	Small
Birdsall	Floyd	Loudenslager	Smith, Cal.
Bishop	Fordney	Loving	Smith, Iowa
Bonyne	Foss	McCall	Smith, Md.
Boutell	Foster, Vt.	McCarthy	Smith, Pa.
Bowers	Fowler	McCleary, Minn.	Smith, Tex.
Bowersock	French	McCreary, Pa.	Smyser
Bowie	Fulkerson	McKinley, Ill.	Snapp
Brantley	Gaines, Tenn.	McKinney	Southwick
Brick	Gardner, Mass.	McLachlan	Sperry
Brooks, Tex.	Gill	McMorran	Spight
Brooks, Colo.	Gillespie	McNary	Stafford
Broussard	Gillett, Cal.	Macon	Stanley
Brown	Glass	Mahon	Steenerson
Brownlow	Goldfogle	Maynard	Stephens, Tex.
Brundidge	Graff	Meyer	Sullivan, Mass.
Burgess	Graham	Miller	Sulloway
Burnett	Granger	Moon, Pa.	Tawney
Burton, Del.	Greene	Moon, Tenn.	Taylor, Ala.
Burton, Ohio	Gregg	Mouser	Taylor, Ohio
Butler, Pa.	Grosvenor	Mudd	Thomas, N. C.
Byrd	Hale	Murdoch	Thomas, Ohio
Calder	Hamilton	Murphy	Tirrell
Calderhead	Hardwick	Needham	Townsend
Campbell, Kans.	Hay	Norris	Tyndall
Candler	Hedge	Olcott	Underwood
Cassel	Heflin	Olmsted	Volestad
Chaney	Hepburn	Overstreet	Vreeland
Clark, Fla.	Hermann	Page	Wachter
Clark, Mo.	Higgins	Parker	Waldo
Clayton	Hill, Conn.	Parsons	Wallace
Cocks	Hill, Miss.	Patterson, S. C.	Watkins
Cole	Howell, N. J.	Payne	Webb
Conner	Hubbard	Pearre	Weeks
Cooper, Pa.	Hughes	Perkins	Weems
Cooper, Wis.	Humphrey, Wash.	Pollard	Wiley, N. J.
Cousins	Humphreys, Miss.	Powers	Williams
Crumpacker	Hunt	Prince	Wilson
Currier	Jones, Wash.	Pujo	Wood, Mo.
Curtis	Keller	Rainey	Wood, N. J.
Cushman	Kelher	Randell, Tex.	Young
Dale	Kennedy, Nebr.	Reid	Zenor
Dalzell	Kinkaid	Reynolds	
Davis, Minn.	Kitchin, Claude	Rhodes	

NAYS—4.

Garner	Garrett	Henry, Tex.	James
Chapman	Hoar	ANSWERED "PRESENT"—12.	
Davey, La.	Jenkins	Lee	Sheppard
Golden	Johnson	Lever	Southall
		Mann	Wanger

NOT VOTING—123.

Acheson	Field	Howard	Michalek
Adamson	Flood	Howell, Utah	Minor
Allen, N. J.	Foster, Ind.	Huff	Mondell
Babcock	Fuller	Hull	Moore
Bankhead	Gaines, W. Va.	Jones, Va.	Morrell
Bingham	Garber	Kahn	Nevin
Blackburn	Gardner, Mich.	Kennedy, Ohio	Otjen
Bradley	Gardner, N. J.	Ketcham	Padgett
Buckman	Gilbert, Ind.	Knapp	Palmer
Burke, Pa.	Gilbert, Ky.	Lamar	Patterson, N. C.
Burke, S. Dak.	Gillett, Mass.	Landis, Frederick	Patterson, Tenn.
Burleigh	Goebel	Law	Pou
Burleson	Griggs	Le Fevre	Ransdell, La.
Butler, Tenn.	Gronna	Leare	Reeder
Campbell, Ohio	Gudger	Lewis	Rhinock
Capron	Haskins	Lilliey, Pa.	Richardson, Ky.
Cockran	Haugen	Littauer	Ryan
Cromer	Hayes	Littlefield	Scroggy
Darragh	Hearst	Longworth	Shackleford
Davidson	Hearst, Conn.	McDermott	Shartel
Denby	Hinsaw	McGavin	Sherley
Dixon, Mont.	Hitt	McKinlay, Cal.	Sibley
Dovey	Hogg	McLain	Smith, Ill.
Driscoll	Holliday	Madden	Smith, Ky.
Dunwell	Hopkins	Marshall	Smith, Samuel W.
Fassett	Houston	Martin	Smith, Wm. Alden

Southard	Sulzer	Van Winkle	Welborn
Sparkman	Talbot	Wadsworth	Wharton
Sterling	Towne	Watson	Wiley, Ala.
Stevens, Minn.	Trimble	Webber	Woodyard
Sullivan, N. Y.	Van Duzer	Weisse	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BRADLEY with Mr. GOULDEN.

Until May 24, 1906:

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Until 18th of May:

Mr. CHAPMAN with Mr. HOPKINS.

For one week:

Mr. CAMPBELL of Ohio with Mr. SOUTHALL.

For balance of week:

Mr. BURKE of Pennsylvania with Mr. JOHNSON.

For the day:

Mr. DIXON of Montana with Mr. FLOOD.

Mr. GILBERT of Indiana with Mr. LEWIS.

Mr. GILLET of Massachusetts with Mr. TOWNE.

Mr. GRONNA with Mr. McLAIN.

Mr. HAYES with Mr. PATTERSON of North Carolina.

Mr. KENNEDY of Ohio with Mr. POW.

Mr. KETCHAM with Mr. RHINOCK.

Mr. LE FEVRE with Mr. RYAN.

Mr. MADDEN with Mr. SHACKLEFORD.

Mr. SAMUEL W. SMITH with Mr. TALBOTT.

Mr. WOODYARD with Mr. TRIMBLE.

Mr. HUFF with Mr. WEISSE.

Mr. GARDNER of Michigan with Mr. WILEY of Alabama.

Mr. BURLEIGH with Mr. BUTLER of Tennessee.

Mr. BUCKMAN with Mr. BURLESON.

Mr. BABCOCK with Mr. COCKRAN.

Mr. ACHESON with Mr. BANKHEAD.

Mr. SIBLEY with Mr. SULZER.

Mr. LONGWORTH with Mr. JONES of Virginia.

Mr. HENRY of Connecticut with Mr. GRIGGS.

Mr. KAHN with Mr. GABER.

Mr. DENBY with Mr. McDERMOTT.

Mr. BINGHAM with Mr. HEARST.

Mr. KNAPP with Mr. LAMAR.

Until further notice:

Mr. HOAR with Mr. HOUSTON.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. DAVIDSON with Mr. LEE.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. WELBORN with Mr. GUDGER.

Mr. HITT with Mr. LEGARE.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. SCHNEEBEL with Mr. PATTERSON of Tennessee.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HASKINS with Mr. LEVER.

Mr. MCGAVIN with Mr. SMITH of Maryland.

Mr. DRISCOLL with Mr. RANDELL of Louisiana.

Mr. OTJEN with Mr. PADGETT.

Mr. MANN with Mr. HOWARD.

Mr. WATSON with Mr. SHERLEY.

Mr. NEVIN with Mr. FIELD.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. SOUTHARD with Mr. PATTERSON of South Carolina.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18750—the naval appropriation bill—with Mr. CRUMPACKER in the chair.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent that my colleague from Michigan [Mr. LOUD] have sufficient time in which to conclude his remarks.

The CHAIRMAN. The gentleman from Michigan [Mr. LOUD] is entitled to the floor in support of his motion to amend. His colleague from Michigan [Mr. FORDNEY] asks unanimous consent that he may be permitted to conclude his remarks in support of his amendment.

Mr. WILLIAMS. To conclude his remarks in the RECORD?

The CHAIRMAN. Upon the floor. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I call for the reading of the amendment, in order that it may be recalled to the minds of the members of the committee.

The CHAIRMAN. The amendment will again be reported.

The amendment was again read.

Mr. LOUD. Mr. Chairman and gentlemen of the committee, I want to say at the outset that I yield to no one in my love for the

American Navy, for the grand ships from the days of the *Ranger* and the *Bon Homme Richard* down to the days of the *Olympia* and the *Oregon*, and I yield to no one in my admiration for the gallant men of the Navy from the days of John Paul Jones down to our gallant Admiral Dewey.

But it is not of the Navy upon the sea of which I will talk to-day, but the business question of the administration of naval affairs upon land.

I have found in my study of this administration a concrete example of what it means to manufacture material in the Government navy-yards as compared with what it would cost to buy the same material of *equal quality* upon the open market, and this information I desire to present to each one of you, and I hope I may have your careful attention. It was my good fortune at one time, eight years ago, for a brief period to be attached to the United States Navy. But that brief time does not give me title to speak authoritatively as a naval man by any means, but all my life I have been engaged in business dealings with the two subjects which I shall take up. I have in my business shared in the ownership of twenty or thirty vessels, at the present time three, one of them the largest steel lumber carrier upon the Great Lakes, carrying twelve hundred thousand feet of lumber at a cargo. I only mention this that I may indicate I am not without some practical knowledge of the subject I shall take up, and that subject is the manufacture in the Boston Navy-Yard of anchors, chains, and cordage. The basis of my information will be found on page 7 of the Report of the Chief of the Bureau of Equipment for 1905 and hearing 49 of Rear-Admiral Manney before the Naval Committee.

The total amount of chain iron and billets rolled amounted to 2,991,600 pounds, costing \$140,108.16.

The following table indicates the total output of the plant during the year, together with the cost thereof:

	Weight.	Cost.
	Pounds.	
1-inch chain cable.....	2,628	\$632.78
1-inch chain cable.....	2,887	792.01
1-inch chain cable.....	8,715	1,670.06
1-inch chain cable.....	4,400	249.03
1-inch chain cable.....	44,268	6,569.84
1-inch chain cable.....	12,206	1,318.88
1-inch chain cable.....	17,973	311.91
1-inch chain cable.....	7,900	1,254.00
1-inch chain cable.....	14,029	1,707.51
1-inch chain cable.....	33,950	4,378.24
1-inch chain cable.....	157,760	17,590.95
2-inch chain cable.....	227,148	22,004.43
2-inch chain cable.....	30,200	3,624.00
2-inch chain cable.....	11,816	1,119.20
2-inch chain cable.....	878,733	94,569.87
2-inch chain cable.....	1,011,941	133,241.55
2-inch chain cable.....	218,422	20,805.90
Hang chains.....	8,994	842.97
Rudder chains.....	4,802	557.72
Boat chains.....	811	210.24
Grappels.....	298	37.54
Chain hooks.....	106	7.50
Anchors.....	605,483	81,564.12
Shackles.....	39,656	10,971.50
Shank painters and ring stoppers.....	3,308	768.04
Dip rope.....	90	28.46
Clear hawse.....	356	49.37
Chain stoppers.....	2,068	1,277.72
Swivels.....	7,460	2,424.47
Club links and bending shackles.....	35,026	8,193.23
Club links and connecting shackles.....	31	12.07
Shackle pins and keys.....	71	8.03
Anchor balls.....	1,400	77.79
Anchor stock.....	1,405	166.46
Pelican hooks.....	368	173.95
Devil's claws.....	7,307	2,595.51
Sea-anchor thimbles.....	185	74.15
Sea-anchor rings.....	206	90.30
Sea-anchor links.....	31	5.28
Chain slings.....	2,332	384.86
Miscellaneous.....	496	124.15
Total.....	3,408,022	422,772.59

The following table shows the amount of cordage invoiced during the year:

	Weight.	Cost.
	Pounds.	
Manila rope.....	1,697,341	\$265,536.72
Wire rope.....	327,947	36,292.41
Hemp rope.....	163,536	23,858.49
Marline.....	48,505	6,960.75
Cod line.....	22,968	4,400.33
Bolt rope.....	137,571	21,481.39
Ratline.....	78,072	11,459.06
Spun yarn.....	38,066	4,917.29
House line.....	22,905	3,060.81
Cotton line.....	12,555	3,630.10

	Weight.	Cost.
	<i>Pounds.</i>	
Signal halliards.....	15,640	\$6,012.76
Hemp seizing.....	27,538	4,435.68
Wire seizing.....	14,003	1,648.82
Round line.....	13,763	1,758.02
Lead line.....	3,321	1,061.62
Distance line.....	2,221	843.98
Long line.....	2,403	675.58
Sounding wire.....	1,099	236.94
Fishing line.....	1,858	692.98
Match rope.....	333	116.11
Lighting conductor wire.....	233	54.69
Phosphor bronze rope.....	237	134.94
Copper wire rope.....	754	173.52
Total.....	2,632,298	399,433.49

I take, first, the subject of anchors manufactured during last year, and I find in the last item at the bottom of page 7 the output was 605,483 pounds, costing \$81,564.12, or 13½ cents a pound. Please keep that figure in mind. Thirteen and one-half cents per pound by that report. On page 418 of the hearings you will find the cost of anchors of private make, according to a statement of Admiral Manney, as 5½ cents for anchors under 1,000 pounds, and 6 to 8½ cents for anchors over 1,000 pounds.

I have further information on this subject from the Department of Commerce and Labor, Light-House Establishment, who paid for forged fluke anchors 5½ to 6 cents per pound; also that forged stockless anchors cost 6 cents a pound. The Newport News Shipbuilding Company, in a letter of March 9, state:

With regard to anchors, I beg to say that while the price varies with market conditions, from 7 to 7½ cents per pound would be a fair average to figure for forged anchors.

From a letter of the Treasury Department Revenue-Cutter Service, dated March 15, I am advised that they have paid from 4½ to 6½ cents per pound for forged anchors.

I find that one of the largest shipbuilding companies in the United States, who lately constructed ships for the Light-House Service, furnished forged anchors weighing 11,925 pounds, costing \$4.98 per hundred pounds, or practically 5 cents per pound, while the cost of anchors made by the Navy Department, shown by report of Bureau of Equipment, is 13½ cents per pound.

I find that Admiral Manney, on page 418 in the hearing No. 49, gives the cost of an 8,000-pound anchor of the factory at Boston at \$17.65 a hundred; one of 14,500 pounds at \$15.39 per hundred, which makes the relative cost in these instances 5 cents furnished the Government light-house boats as against 16 cents for the Government navy manufacture. As forged anchors have become nearly obsolete, because of steel stockless anchors being used instead, I have not very much data on the subject of forged anchors. The cost of steel anchors is shown to be about 4 cents a pound.

Mr. McNARY. I desire to ask the gentleman a question.

Mr. LOUD. I yield to the gentleman for a question.

Mr. McNARY. I would like to ask the gentleman whether anchors made by forging at Boston Navy-Yard would not cost a great deal more than the cast anchors made by private companies, and if the difference between the cost of the forged anchor and the cast anchor is because of the difference of the cost of the material and the method of manufacture from being forged and the other cast?

Mr. LOUD. I have not touched upon the subject of cast anchors at all, but only forged anchors, and I have made no comparison. I shall talk from first to last upon the subject of forged anchors alone. But if you touch upon the subject of cast anchors, I will only say that the *Minnesota*, which is the largest ship upon the Pacific, is furnished with cast anchors, and those cast anchors cost \$3.65 a hundred, and the gentleman can have that as a comparison.

Mr. McNARY. The gentleman well knows that merchant ships do not have to anchor at sea in open roadsteads as the Government vessels have. The gentleman understands that very well.

Mr. LOUD. I can not understand what you say.

Mr. McNARY. Let me say that the gentleman understands very well the anchors used by merchant vessels differ materially from anchors for Government vessels, as the Government ships have to anchor in open roadsteads, while merchant ships go to a wharf. The men-of-war not only have to anchor in open roadsteads, but under conditions of warfare may be compelled to anchor at sea.

Mr. LOUD. I furnished the gentleman the price paid by the Government for anchors for the Revenue-Cutter Service and the Light-House Service.

Mr. McNARY. And the gentleman also gave the figure for the anchors of the *Minnesota*, which is a merchant vessel.

Mr. LOUD. That is a small part of the subject, so that I will pass on to the subject of cable chains. In the first item of the table given at the bottom of page 7 of the report of the Bureau of Equipment, I find that half-inch chain cable, 2,628 pounds, cost \$632.78, showing a cost per pound of 24 cents; five-eighths-inch cable, 2,887 pounds, costing \$793.01, showing a cost per pound of 27½ cents, the highest market quotation of these sizes running from the common chain, \$3.60 per hundred, to the highest grade, \$8.40 per 100 pounds, for half-inch chain; and in this connection I will say that the purchasing department of the isthmian canal, on April 28, purchased three-eighths-inch straight short-link iron chain at \$3.94 per hundred pounds, delivered on the dock at Colon. The whole amount involved in the business of making these one-half and five-eighths inch chains is so small it is of little importance; nevertheless it shows the expense of Government manufacture to be abnormally large; that is, the cost at the Government factory being three times the market price of private-made chain of the very highest quality. I will add to the above information that the market price quoted is for best special handmade dredge chain—

Mr. GAINES of Tennessee. Right there I want to ask the gentleman a question for information. How much was the price of this product before the Government began to make it in the navy-yards?

Mr. LOUD. I do not know anything about that.

Mr. GROSVENOR. It has not fallen any.

Mr. YOUNG. The Government making it at the navy-yards certainly did not reduce the price to one-third of the cost at the Government navy-yards.

Mr. LOUD. The market price of best special dredge handmade chain is \$8.40 per 100 pounds for half-inch and \$7.40 for five-eighths-inch.

Mr. McNARY. I should like to ask the gentleman whether Admiral Manney has not stated to his committee that the Government chain is much superior to the chain made by private contractors—stronger and much superior? I should like to have the gentleman answer that question.

Mr. LOUD. If the gentleman will read it from the hearing, I will accept his reading.

Mr. McNARY. All right. I will read as regards wire rope first.

Mr. LOUD. I am not on the subject of wire rope, and I will not yield for that.

Mr. McNARY. All right. We will come right down to the question of chain:

Mr. LOUDENSLAGER. Now, you say that the contract work is not as good as that done in the yard?

Admiral MANNEY. Contract work that we have had done from the Lebanon Chain Works has shown up upon test to have the strength necessary to pass it. The method of welding the links is inferior to that employed at the yard. The yard uses the end weld; in the large commercial chains purchased the side weld is employed. This is objectionable, as the two sides of the link are then not symmetrical in strength. The part of the link which has been oftenest heated and pounded has not the same texture as the other part.

Mr. LOUDENSLAGER. Does your test show inferiority in the manufacture of chains?

Admiral MANNEY. The breaks show where the weakest part is, and the links having the end weld have been found the stronger.

Mr. LOUDENSLAGER. Will they not weld them at the end if you demand it?

Admiral MANNEY. No; they state that they can not. It would increase the cost.

Mr. LOUD. Admitting that Admiral Manney has so stated, we can not blame him for that, because it was his own factory of which he was speaking; and against that we have the evidence of all the consumers of chain in the United States, for dredges or great cranes, where the best chain is wanted. They find no difficulty, for the most severe service, in buying chain for any particular service that may be required. And I will say further that no comparison has been made. It is merely the statement of an interested witness in the matter.

Mr. GAINES of Tennessee. Is Admiral Manney interested in the manufacture of chain?

Mr. LOUD. The manufacture I am speaking of is carried on in a Government navy-yard under his supervision.

Mr. GAINES of Tennessee. Oh, well, he is simply an officer in charge of the work. I hope the gentleman does not mean to reflect upon the Admiral by making that statement. It is hard to believe that he does.

Mr. LOUD. I can not yield for anything more on that subject. Now, taking up the subject of the heavy anchor chains or cables—

Mr. ROBERTS. Will the gentleman yield for a question?

Mr. LOUD. I do not care to yield any further.

Mr. ROBERTS. I want to ask the gentleman—

Mr. LOUD. I do not yield any further at this time.

The CHAIRMAN. The gentleman from Michigan declines to yield.

Mr. LOUD. In the letter dated March 3, 1906, written me by the Industrial Works, Bay City, Mich., makers of the largest and highest grade locomotive and railroad wrecking cranes, on which only the choicest quality of chain is used, they say:

As to chains: The best quality, however, of handmade dredge chain is worth, in sizes from 1 to 1½ inches diameter, 7½ cents per pound f. o. b. factory.

Taking up the subject of heavy anchor chains and cables, the same table, at the bottom of page 7, shows that—

1½-inch costs 16 cents per pound.
1½-inch costs 12½ cents per pound.
1½-inch costs 12½ cents per pound.
1½-inch costs 11½ cents per pound.

Or an average of 13 cents per pound. Keep that figure in your minds, gentlemen; 13 cents a pound for these sizes of chains made in the Government factories. A letter from one of the largest shipbuilding companies in the United States, for building ocean steamships, shows the cost of chain furnished in these sizes varies from \$3.32 to \$4.15 per hundred pounds. As to cables 2 inches and larger, referring to the table at the bottom of page 7, we find the following items of output and cost, to which I have added the cost per pound derived from the figures that are there given:

Noticing that these figures vary from 9½ cents per pound for 2½-inch to 13½ cents for 2½-inch cables, without apparent reason for the wide divergence in cost, I have put the figures together in these six items:

Size.	Output.	Cost.	Average cost per pound.
	Pounds.		
2 inches.....	227,148	\$22,004.43	\$0.0966
2½ inches.....	30,300	3,624.00	.1200
2½ inches.....	11,816	1,119.20	.1000
2½ inches.....	878,733	94,560.87	.1075
2½ inches.....	1,011,941	153,241.50	.1320
2½ inches.....	218,422	20,805.90	.0950
Total.....	2,378,260	275,355.90	.1158

We therefore find that the average cost of all the cable manufactured, 2-inch and upward, was \$11.58 per 100 pounds, the largest item being 2½-inch cable, shown above to have cost \$13.20 per 100 pounds.

While Admiral Manney, in hearing No. 49, for comparison between Government cost and contract price paid to private manufacturers, has stated that the Government cost was 9½ cents, or \$9.50 per 100 pounds, I believe that we must hold that the cost of this item is not to be considered as the average Government cost, but we must take the average cost of \$11.58 per 100 pounds; or if we wish to be more particular, we must take jointly the last two items of 2½ inches and 2½ inches in above table, which, if so considered, would make the average price of these two items \$12.50 per 100 pounds.

While this indicates the cost of the output of the Government shops, it is not the actual or full cost. The first, second, and tenth items in table at bottom of page 5, Report of Bureau of Equipment, viz:

Office and store labor, handling coal, shipments, annual leave, etc.....	\$103,428.82
Repairs and additions and maintenance of machinery plant.....	56,157.33
Miscellaneous articles.....	53,262.09
Total.....	212,848.24

This amount, \$212,848.24, together with other items not given, must be spread to a more or less extent over the seven items of output shown in that table to give the real cost.

If spread evenly or pro rata, this increases by 12½ per cent or more the cost shown in tables on page 7. By adding 12½ per cent to \$12.50 we have \$14 per 100 pounds, or 14 cents per pound, the actual cost of the 2½-inch and 2½-inch cable made in the Government shop.

From evidence given in the hearing we find the largest size battle-ship cables—2½ inch—have been made by contract by private firms—9½ cents per pound for cables made by the Lebanon Chain Works and 8½ cents per pound for cables contracted for, but not delivered, by the Monongahela Iron and Steel Works.

I wish to state here that upon careful consideration of the subject it is my belief that all of the battle-ship cables desired of this specification, any size, can be purchased by contract at from 6 cents to 7 cents per pound under the same specification as to strength or breaking strain as now required, but eliminating the absurd and impossible chemical specification, especially as to sulphur content, which has the effect of ruling out competition and forcing the Government to pay a needlessly high price.

As to anchor cables larger than 2 inches, I can give you the following information: One of the largest ocean shipbuilding firms in the United States advises me that they pay \$4.15 per 100 pounds for 2½-inch anchor cables, \$4.30 per 100 pounds for 2½ inch, and \$3.85 per 100 pounds for 2½ inch.

Large freighters on the Great Lakes, last built, for 2½-inch tested stud-link cable chains paid \$3.30 per 100 pounds.

I am advised by Cramp & Sons Shipbuilding Company that the 2½-inch anchor cables furnished by them to the Russian cruiser *Retvizan*, British admiralty test, was \$4.50 per 100 pounds, while the 2½-inch cable furnished the cruiser *Variag*, British admiralty test, was \$3.70 per 100 pounds.

The Pacific Mail Steamship Company, in their letter of March 23, advise me that they pay for 1½-inch stud-link tested cable chain \$4.50 per 100 pounds, f. o. b. Philadelphia, for steamship *Costa Rica*; also 1½-inch and 1½-inch tested stud-link cable chain for steamship *City of Para* and steamship *Barracouta*, both at \$3.60 per 100 pounds, delivered

in New York; also 1½-inch tested stud-link cable chain for steamship *Acapulco* at \$3.74 per 100 pounds, delivered in New York.

In a letter from the Upson-Walton Company, of Cleveland, Ohio, which I believe is the largest ship chandlery firm on the Great Lakes, we find the following paragraph relating to chains:

"We do not sell the chains for the new steamers that are fitting out on the Lakes, the margin being so close on these goods that the manufacturers sell them direct. Our cost price is the same, we are told, as the price charged the shipyards, and on the regular grade of chain, such as is used by these parties, the cost up to 2 inches to-day is \$3.56 per 100 pounds, freight allowed to Cleveland from factory, and on the best quality of dredge chain the cost on the same sizes is \$4.75 per 100 pounds, this being, however, a much finer quality of chain than is used on the Lakes."

From the American Ship Building Company, of Cleveland, Ohio, I have the following:

MARCH 17, 1906.

HON. GEORGE A. LOUD, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of the 14th instant, you of course know that we do comparatively nothing in the line of Government work here on the Lakes, and I am not therefore able to give you any idea as to the cost of chain cable made to Government specifications. It is my opinion, however, that your estimate of 6 cents ought not to be far out of the way.

We have purchased during the past five years somewhere between 2,000 and 3,000 tons (100 carloads) of stud link chain cable for use in merchant work, and an average price during that period would be a fraction under your estimate of 4 cents.

Hoping this will give you the information you desire, I am,
Yours, respectfully,

N. S. THRASHER,
Purchasing Agent.

It is perfectly understood by me that these cables for merchant service, costing from \$3.30 to \$4.30 per 100 pounds, are not up to the specifications of the United States Navy, and are not given for comparison, but are given to show that all vessels outside of the United States Navy are equipped with cables costing less than 5 cents per pound in size 2½ inches and under, this being the largest size brought to my notice, with the exception of the four steamers on the Pacific, the *Minnesota*, *Dakota*, *Manchuria*, and *Mongolia*.

The cables on the *Minnesota* and *Dakota* are 3½ inches in diameter, and the price paid for them was \$5.43 per 100 pounds delivered at New London, Conn.

Quoting from a letter of the Eastern Shipbuilding Company, under date of March 21, we find the following:

"You are right in assuming that the price which we paid for those chains was high, but you must realize that these were very difficult chains to make, the weight of each link being as much as one man could handle. Smaller size chain, of course cost very much less, as you note from my previous letter that the 1½-inch chain cost \$3.75 per 100 pounds (this size chain being large enough for most ships built in this country). I wish to impress upon you, however, that Lloyd's inspection greatly increases the cost of the chain, as their test is very severe, involving much handling of same, cutting out of links, etc."

There was doubt expressed by Admiral Manney before the committee (see hearing No. 49) as to these cables being inspected. The cost of Lloyd's inspection adds one-half cent per pound to all chains so inspected. (Lebanon Chain Works, January 12.)

As to these particular chains being inspected, we find by letter from the Eastern Shipbuilding Company, under date of March 17, the following:

"These chain cables are 3½ inch in diameter; they were the largest ever manufactured at that time, and it was deemed of great importance that same should have very careful inspection; therefore these chains were inspected by Lloyd's local inspector at the chain works by Lloyd's principal surveyor in this country, and again by Lloyd's surveyor after same had arrived at the works of the Eastern Shipbuilding Company."

The chain cables were manufactured by Lebanon Chain Works and the steel anchors were made by Seaboard Steel Casting Company. The 3½-inch chain cost \$5.43 per 100 pounds; the 1½-inch chain cost \$3.75 per 100 pounds, and the anchors cost \$3.65 per 100 pounds.

In conclusion, I wish to state that the S. S. *Minnesota* and *Dakota* were built under the rules of Lloyd's Register of Shipping, and all machinery, appliances, etc., pertaining to these ships were also classed by Lloyd's (who were very rigid in their inspection), and all received the highest certificates of classification issued by said society.

Of course you know that Lloyd's is a British Society. Owners find it necessary, owing to insurance of both ship and cargo, to have Lloyd's classification.

As to the cost of the cables furnished by the builders of the *Manchuria* and *Mongolia*, we find the size to be 3½ inches and price paid \$5.36 per 100 pounds.

I am advised by the manufacturers of these cables that the same ratio of strength and breaking strain was given to these cables as is required for the 2½-inch Government battle-ship cables.

From all this data we find that the very best anchor cables supplied to any ship built in the United States outside of the United States Navy cost \$5.45 per 100 pounds, the same being tested to the same breaking strain as required by the United States Navy, and as compared with this cost it has cost the Government \$13 to \$14 per 100 pounds for the same quality of cable.

It is presumable that the reply or explanation of why the Government cables cost so much more than cables made by private firms is that the material costs so much more. While in a small measure this is true, the difference in cost of material being about 2 cents per pound, sustaining this phase of the question, I find in a letter of April 20, from the Bureau of Equipment, the statement that the last three contracts made during the last two years with the Monongahela Iron and Steel Company covered 2,800 tons, at \$87.36 per ton, showing that this company have sold to the Boston yard this amount of material, costing \$244,608, the price per pound being \$4.37 per 100 pounds.

Permit me to state my belief that this excessive price is solely due to the needless specification in the chemical analysis of the material, principally relating to sulphur content.

The specification that iron shall not contain more than one hundredth of 1 per cent sulphur rules out practically, and I believe effectively, all competition, giving this company an absolute monopoly and enabling them to maintain an unreasonably high price for their iron.

I am sustained in this opinion by the following letter from the chemist at the United States Navy-Yard:

UNITED STATES NAVY-YARD,
Washington, D. C., March 16, 1906.

Hon. GEORGE A. LOUD, M. C.,
House of Representatives, United States.

SIR: It gives me great pleasure to be able to comply with your request in letter of the 14th instant, received last night. Samples of chain iron from Lebanon Chain Works, marked and reported as stated below, showed the following composition:

	July 21, 1904.		Aug. 9, 1904.	
	No. 1.	No. 2.	No. 3.	No. 4.
Carbon.....	Per cent. a 0.010	Per cent. a 0.010	Per cent. 0.0196	Per cent. 0.019
Silicon.....	.150	.140	.140	.131
Sulphur.....	.019	.018	.0200	.022
Phosphorus.....	.061	.062	.0550	.059
Manganese.....	.070	.075	.0820	.060

a Below.

While these results do not exactly agree with the specifications, it is my opinion that the iron is of very good quality. It is also my opinion that even for the best iron makers it will be a somewhat difficult proposition to always keep within the requirements of the specifications. A deviation, such as above results show, should, in my opinion, not be cause for rejection.

Trusting that this will answer your inquiry, and always ready to furnish any information which I possess and you should desire, I am,
Very respectfully, yours,

JOS. WESTISSON,
Chemist, N. G. F.

Permit me to call your attention further to the fact shown in your statement sent to me by the Bureau of Supplies and Accounts of bar iron purchased in the last two years, that out of all the contracts made by the Department, involving over 50 tons in any contract, that out of the eleven contracts so shown, eight of the contracts were made with this same firm, covering \$120,133.13, while only three contracts in two years were given to other firms, the three contracts amounting to \$15,261.45, or combining these two statements, we find that, in all, this company has furnished iron to the amount of \$364,741.13, as against contracts to all other parties amounting to \$15,261.45; and I am sure you will find on careful and candid investigation that this fact is solely due to the unnecessary chemical specification.

Cordage.—As to the subject of rope manufactured in the Government factory, we find that the amount of manila rope invoiced during the year (see first item, second table, page 7, Report Bureau of Equipment) was 1,697,341 pounds, costing \$265,536.72, or 15½ cents per pound, to which 12½ per cent, at least, incidental and omitted expenses should be added.

In a letter from Mr. D. W. Ross, general purchasing officer of the Isthmian Canal Commission, under date of April 27, I note that they have paid for ordinary manila rope, 180 coils, from 10½ cents to 11 cents per pound delivered on dock at Colon. This, I understand, would not be up to the grade of best rope made in the ropewalk at the Boston yard; but I find an item in the same letter of 216,000 feet manila bolt rope, tallow laid, long fiber, smooth and hard finish, at 10½ cents to 12½ cents per pound delivered on dock at Colon.

As the price herein given includes not only the fixed charges incident to all manufacture, viz, cost of plant, deterioration, renewals, insurance, taxes, interest, and profits, but also delivery from the manufactory to Colon as well, and when we further consider that in figuring the cost of rope made by the Government that clerical work, work of the Pay Department, and other similar items will be found omitted in the make-up of cost, and further consider that in the item of rope the cost of material is large and the cost of labor should be relatively small, all point to the conclusion that the cost of the Government manufacture is very excessive, in fact, unreasonably so.

Now, to consider the results of this investigation. The output of material in question at Boston yard is as follows:

Anchor and chain shops, 3,408,022 pounds.....	\$422, 772. 59
Add 12½ per cent for omitted material and expenses.....	52, 846. 57
Total.....	475, 619. 16
Cordage invoiced, 2,632,298 pounds.....	399, 433. 94
Add 12½ per cent for omitted material and expenses.....	49, 929. 24
Total.....	449, 363. 18
If bought in open market, quality being equal, there should be a saving of—	
Anchor, chains, etc., 50 per cent.....	\$237, 809. 58
Cordage, 20 per cent.....	89, 872. 63
Total.....	327, 682. 21

The foregoing sums up the facts and my estimates so far as I can at this time give them, and proceeding now to your question, what I would advise being done under such conditions as are shown, my answer would be that I would surely close one or the other or both of these manufactories as an object lesson to the other manufactories maintained by the Navy Department that the cost of the product must be kept within reasonable bounds.

[Applause.]

It is my opinion that while the hours worked under the Government are less per day than in private manufactories, and that it is universally conceded that labor is not as effective under Government management as in private institutions, nevertheless the elimination from the cost of Government output of the fixed charges heretofore mentioned, viz: cost of plant, deterioration, renewals, insurance, interest, taxes, and profits should make the conditions not far from even, and with such allowance and consideration of conditions it should not cost the Government any more to manufacture such material as we have in question than it would to buy in the open market, and if the cost

can not be brought approximately equal the Government should cease to manufacture the material and buy in the open market.

I am, very sincerely, yours,

[Applause.]

Now, I want to say that while this may be worth looking at, and while I have mentioned the high, excessive cost, it was not my purpose in putting this material together simply to point to what it might mean in that one manufactory. What I have brought this together for is the concrete example of what it means to manufactured goods in Government institutions. I have taken this, which is, perhaps, a small item, but it appealed to me as something I knew something about. I know something about cordage; I know something about chains, as I have used them all my life in my business, and I know that I can buy in the open market the chain and the anchor and material of that kind and equal quality at one-half of what they cost in Government manufacture. Cordage can be bought at 20 per cent reduction. But this is immaterial as compared to what it might be in the great items used in the construction of these battle ships. The anchors and cables are a mere bagatelle, and while I invite your attention to this particular item I want to say that if we had business administration in the securing of supplies and the building of our ships and repairs on the ships we could save each year the cost of a battle ship to the Navy if the Department would run upon the closest business principles. And I want to say, while I honor the officer in the American Navy—a man of honor, honesty, and highest integrity—he has been educated for life upon the sea and for the handling of boats and fighting our country's battles and not to conduct business institutions.

You would not for a moment, if you wanted an officer for a battle ship, go up to the Bethlehem Steel Works and take the superintendent and put him on that ship. Then why should you take an officer of the Navy, who is trained in the academy for life upon the sea, out of that business and put him in charge of a manufacturing institution of which he absolutely knows nothing? [Applause.] I fear I have worried the committee, but I have made the fullest statement that I can upon this subject, and I sincerely hope, gentlemen, that you will permit my amendment to this bill to carry. [Applause.]

Mr. GRAHAM. Mr. Chairman, can I interrogate the gentleman?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Pennsylvania?

Mr. LOUD. I do.

Mr. GRAHAM. Do I understand the gentleman to say that this will be a saving to the Government of over \$100,000 if this amendment of his is adopted?

Mr. LOUD. Better than that, sir; far better; and this is but a little item, only the small ones, saving, as my estimate shows, \$327,682.21, but when compared with the greater expenditures with which the Navy deals, this trifling matter of anchors, chains, and cordage is insignificant.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. FITZGERALD. I understood the gentleman to say toward the close of his remarks that it was universally conceded that the work of the mechanics in the navy-yards was not as efficient as that in the private yards.

Mr. LOUD. Do you dispute that?

Mr. FITZGERALD. I just wanted to get at what the gentleman said. If I understood him correctly, I understood him that the mechanics in the navy-yards are not as efficient as the mechanics in private yards.

Mr. LOUD. Generally speaking.

Mr. FITZGERALD. I will ask the gentleman if he has read the report of the Department of Commerce and Labor, made in response to the direction of the House, in which they report that the mechanics in the navy-yard now employed in building the battle ship being built in the Brooklyn yard turned out per man per hour 25.48 per cent more than the men building the battle ship at the Newport News shipbuilding yard?

Mr. LOUD. I did not read that. What first drew my attention to this subject was a visit that I made in my own time and at my own expense, visiting the navy-yards at New York, Boston, and at Portsmouth; and in that visit I went through the chain and anchor factory in the Boston Navy-Yard and saw the men wasting their time. I never saw men wasting their time as I saw them in that factory, and that was what drew my attention to that matter. I wanted to see the figures that resulted from it, and so in the next year, 1904, I found they gave some figures which gave the pound product and the cost of manufacture. I simply divided the amount and I found the cost of the

output of anchor and chain shops costing 14½ cents per pound, on an average—double what it should be—and that indicated what I had seen myself, that the labor was being wasted in that factory.

Mr. FITZGERALD. I would say to the gentleman that the Department of Commerce and Labor made the very same kind of a test between the Newport News Shipbuilding Company and the navy-yard at New York, and they report that the output of the men in the navy-yard per man per hour was 25.48 per cent more than the output in the Newport News yard.

Mr. LOUD. Figures sometimes lie. I would say to the gentleman that I have had for several years as many as 1,500 laboring men under me, and I yield to no one my judgment as to personally determining or estimating whether a laborer or body of laborers are doing reasonable or effective work or not.

Mr. FITZGERALD. I will call the attention of the gentleman to the fact that the mechanics in the navy-yard work eight hours a day and the mechanics in the Newport News Shipbuilding Company work nine hours a day, and, as a matter of fact, the private yard has been compelled to work their men overtime in order to keep up with the men in the navy-yards.

Mr. LOUD. I will tell you that they may work the men twelve and one-half and a great deal more to enable them to make an equal showing.

Mr. FITZGERALD. I will say to the gentleman that this investigation was conducted by a Department of the Government that had no interest except to get the facts, and I believe we are entitled to rely on the Administration.

Mr. LOUD. I have not prepared myself upon that Department, and if you desire to take that up, you can do so in a speech of your own.

Mr. FITZGERALD. I did not want the statement to go unchallenged that it was universally conceded that there was such a difference in the work in the different plants.

Mr. OLMSTED. I will ask the gentleman if, in the estimate of 14 cents as the cost of chains to the Government in the Government yards, he has included anything for interest on the plant and for depreciation of the plant?

Mr. LOUD. I have not, or for renewals of the machinery and taxes and insurance, profits, and other things which go into every business institution.

Mr. OLMSTED. If they were added, it would make the cost still greater?

Mr. LOUD. Certainly, by that amount. [Loud applause.]

Mr. ROBERTS. Mr. Chairman, as this is quite an important matter, and I am satisfied that I can not answer the argument of the gentleman from Michigan within the five minutes allowed me under the rule, I ask the indulgence of the committee that I may be permitted to conclude my remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may continue his remarks until he shall have concluded them.

Mr. VREELAND. I should like to inquire how much time the gentleman will need. It seems to me we should have some definite time fixed. We wish to give all the time that is necessary.

Mr. ROBERTS. I can not tell how long, because I have no written speech and can not tell therefore how long it will take me to say what I have in mind to say.

Mr. VREELAND. I suggest to the gentleman that he ask for some definite amount of time, and if that is not sufficient then he can ask that the time be extended.

Mr. ROBERTS. I ask that I be allowed as much time as the gentleman from Michigan [Mr. LOUD] occupied.

Mr. WILLIAMS. The gentleman ought to be allowed as much time as the gentleman from Michigan had.

Mr. GAINES of Tennessee. The gentleman from Massachusetts is about to speak in reply to what seems to have been a well-prepared speech on the other side. It is a very important subject, and we should let him go ahead. We have more time than anything else. [Laughter.]

Mr. GOLDFOGLE. I ask unanimous consent that the same time that was allotted to the gentleman from Michigan [Mr. LOUD] be given to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I will state that I have put a limit on my request. It is that I be allowed the same amount of time as that occupied by the gentleman from Michigan. If I can conclude sooner, I assure the gentleman from New York I will gladly do it.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that he be permitted to continue for the same length of time as the gentleman from Michigan who spoke in favor of the amendment?

There was no objection.

Mr. ROBERTS. Mr. Chairman, at the outset I desire to say that I was very much interested in the argument of the gentleman from Michigan [Mr. LOUD]. While the matter has been gone over quite minutely in the committee, yet he has extended it considerably, and I was forcibly impressed by one statement made by him early in the course of his remarks. He told us that Admiral Manney, who was Chief of the Bureau of Equipment of the Navy Department at the time he was before the Naval Committee and made his statement, was an interested witness, and for that reason we should not give the statements of Admiral Manney the same amount of credence that we would give to those of a disinterested witness. That struck me as a very remarkable statement, that Admiral Manney, a man of the highest honor and integrity and efficiency, who was about to retire from the Navy by reason of age, was an interested witness before a great committee of this House. I hardly think many of the Members here will take that statement seriously or that they will attribute ulterior and sinister motives and purposes to the testimony of Admiral Manney. But when we come to the question of interest, the gentleman from Michigan [Mr. LOUD] at great length gives this committee information that he has obtained, from whom? From people in this country engaged in the manufacture of articles which they would like to supply to the Navy Department.

Now, on the question of the interest of the witnesses on both sides of this question, I leave it to the Members of this House whether the private manufacturers, who want to supply these hundreds of thousands of dollars' worth of material to the Navy Department, are disinterested in their statements.

Mr. HILL of Connecticut. I should like to ask the gentleman a question for my own information on the question of interest. My understanding is that there is a great shortage of officers for sea duty in the Navy. Will the gentleman kindly, in the course of his remarks—not necessarily right now, but before he concludes—inform the House about how many commissioned naval officers there are in the various navy-yards of the United States, technically on shore duty, but actually engaged in manufacturing operations for the various departments of the Navy?

Mr. ROBERTS. Mr. Chairman, I am not able to give the gentleman the information as to how many.

Mr. HILL of Connecticut. About how many?

Mr. ROBERTS. I am not even able to tell about how many of these officers are stationed in navy-yards; but I want to say to the gentleman that if these officers were not in the navy-yards superintending the manufacture of these things used by the Navy Department they would be at the private plants of the private manufacturers inspecting those articles made outside of the navy-yards. [Applause.]

Mr. HILL of Connecticut. At the expense of the Government.

Mr. ROBERTS. So there would be nothing saved in that. All articles manufactured in any quantity in private establishments are manufactured under the immediate inspection and supervision of naval officers, taken from sea duty for that purpose.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. ROBERTS. I will.

Mr. FITZGERALD. Are the constructors of the Navy educated to go to sea?

Mr. ROBERTS. They are not educated to go to sea; they are educated to remain on shore.

Mr. HILL of Connecticut. Is it not a fact that last year one officer of the Government supervised and attended to the inspection of all three of the large manufacturing concerns for the Government? And that, of course, would have been impossible if they had been in charge of the actual process of manufacturing. I am asking these questions for information, for I know nothing about it.

Mr. ROBERTS. That may be; if there had been enough inspectors there would have been one in charge of each establishment, if the output had been sufficient to warrant it. But, Mr. Chairman, this is entirely aside from the subject we have under discussion.

Mr. LOUD. Will the gentleman yield for a question?

Mr. ROBERTS. The gentleman from Michigan declined to yield to me, but I will gladly yield to him. I would like to say that if these interruptions are to come out of my time I wish gentlemen would be brief and not occupy too much time.

Mr. LOUD. I want to say that I made no allusion or insinuation against the honesty or integrity of Admiral Manney, for I believe him to be far above anything of that sort. I do think, however, that his information was not correct when he says that the cost of a battle ship's cable, two and three quarters,

was 9½ cents, and the next size, only one-eighth of an inch difference, cost 13½ cents a pound.

Mr. ROBERTS. Oh, I did not yield to the gentleman to continue his speech. I thought he wanted to ask me a question and not continue the remarks he began some time ago. I did not say that the gentleman imputed to Admiral Manney the full force and effect of his words. I do not think he realized the full force and effect of them, but if my ears did not deceive me he made a flat-footed statement that Admiral Manney was an interested witness.

Mr. GARDNER of Michigan. Will the gentleman from Massachusetts yield?

Mr. ROBERTS. Yes.

Mr. GARDNER of Michigan. The gentleman from Massachusetts left the impression on my mind that the private contractors were interested parties in a sinister way; that is, that they would have one set of books to sell by and another to bid by.

Mr. ROBERTS. Oh, no. I said in opposition to what was said by the gentleman from Michigan that if there was interest anywhere in the statements made on either side of the question it was just as likely, and more probable, that the private manufacturers had a greater interest in securing these Government contracts than had the head of one of the great bureaus in having the work done at the navy-yard. There was no sinister motive, no willful and deliberate misstatement of facts, perhaps, but the whole trend and tenor of the letters and communications was to create in the minds of Members of Congress the idea that the Government was paying more for articles than these same articles could be obtained for in the commercial walks of life, and that the Government should go out among the private manufacturers and purchase these articles.

Mr. GARDNER of Michigan. I am glad to have the gentleman from Massachusetts correct the impression on my mind and, I fear, the impression that was made on others, that the private contractors were not honest in their statements.

Mr. ROBERTS. I did not want to convey the idea that they are dishonest in those statements, but I still insist that, in my judgment, these private manufacturers are interested witnesses, and they put as favorable a phase on their statements as the facts will warrant.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. ROBERTS. I will yield to the gentleman.

Mr. GAINES of Tennessee. Has not Admiral Manney been recently retired?

Mr. ROBERTS. I was about to finish that statement.

Mr. GAINES of Tennessee. Has he not shown himself a hero on several particular occasions?

Mr. ROBERTS. Oh, the record of Admiral Manney is one of the finest. I want to say to the members of the committee that since Admiral Manney appeared before the House Committee on Naval Affairs and gave his testimony in regard to the operations of this Bureau he has been retired for age, and we now have another gentleman at the head of the Bureau.

Mr. LOUD. Will the gentleman yield again?

Mr. ROBERTS. I will.

Mr. LOUD. Did not the gentleman notice that the letters I quoted from were nearly all of them from those who bought chains, from those who are consumers and not sellers?

Mr. ROBERTS. No; I did not notice that they were all from consumers. I noticed that some of them were from manufacturers, and unquestionably many of those consumers represented the manufacturers.

Mr. LOUD. Not a single manufacturer; they were all consumers.

Mr. McNARY. Will the gentleman from Massachusetts yield?

Mr. ROBERTS. I will; for a question.

Mr. McNARY. In reference to the question asked by the gentleman from Connecticut in regard to the detail of men for the navy-yard, I would like to ask the gentleman whether it is not a fact that the English navy, which is the superior navy of the world, not only manufactures these things specified here, but ships, powder, shot, guns, and everything else under the inspection of a naval official? And is it not regarded as the proper thing for the naval officers to be instructed in the highest possible way, to the highest point of perfection, and to oversee the manufacture of these articles in the Government yard?

Mr. ROBERTS. I so understand that, Mr. Chairman. I understand it is the policy of the English Government to keep a considerable proportion of its new construction under construction in its own navy-yards, and to make nearly everything that it requires for its military equipment in those yards under the immediate supervision of its own officers; and I want to say on that point, although it is somewhat of a digression, that our own Navy Department has insisted before the Committee

on Naval Affairs time and again, even in the short time in which I have been a member, that it is absolutely necessary for the proper equipping of an officer to discharge his duties afloat on the ships that he understand fully all the details of the manufacture of everything that goes into the make-up of that ship when he goes on her decks, and that is one of the strong reasons why the Navy Department has always insisted that the education of a Navy officer would not be complete if he were kept at sea all the time and were not allowed to have information and understand how all the different things that enter into the make-up of a battle ship are constructed.

Mr. GROSVENOR. Mr. Chairman, upon the showing made here, is it not a rather expensive tuition?

Mr. ROBERTS. Oh, I am coming to that point, of the showing made here. I was just going to take that point up when the gentleman brought it to my attention.

Mr. GROSVENOR. Will the gentleman allow me? The gentleman does not wish to make any statements that are not correct.

Mr. ROBERTS. Oh, certainly not.

Mr. GROSVENOR. I am told by authority that I think is unquestionable that substantially all the chain made for the British navy is being made by private contractors.

Mr. ROBERTS. I take the gentleman's statement for it. I did not mean to say that in that particular instance the English Government made its own chains. I think they make a large proportion, but, generally speaking, the English Government manufactures much more extensively in its yards than does our Government.

Now, in regard to the cost of these articles that have been under discussion, the gentleman from Michigan, as near as I could follow his remarks, took as his basis the figures given him by the Chief of the Bureau of Equipment, being the cost per pound, and then to get at the true cost he says we must figure in the cost of the plant and the cost of the machinery and all those items, and in that way he built up the cost of the Government-made anchor chains, anchors, and cordage, and so on, away beyond the figures given us by Admiral Manney. Has the gentleman thought of and have the members of this committee for a moment considered this aspect, that if you buy all of these things from private manufacturers you must still add to the cost you pay to the private manufacturer substantially all the items named by the gentleman from Michigan [Mr. LOUD] because we have the money invested in the plants? There is the interest item, and we have got to keep the plants up whether we use them or not. That is a cost to the Government. It is just as much a cost to the Government if we buy the product outside as it is a cost to the Government if they are manufactured in those shops, so that that item goes into the question of cost whether the Government manufactures or does not manufacture. There is no escaping that conclusion. That argument of the gentleman makes a bad showing for the Department on this item of cost, but there are certain fixed, standing items of expense, if you are going to reckon them into the cost price, that must go on whether the plants are open or closed up.

There is another feature of the gentleman's statement to which I wish to call attention. I asked the gentleman a question, not to interrupt the flow of his speech or to disarrange the train of his ideas, but for information. He was telling us about the comparative cost of the half-inch and the three-quarter-inch chains. Now, it is my understanding, and if I am wrong I hope the gentleman will correct me, that these half-inch, three-quarter-inch, and all small-sized chains that are bought in the open market are machine-made chains.

Mr. LOUD. No; the gentleman is entirely wrong.

Mr. ROBERTS. Then the gentleman's comparison was of hand-made chains?

Mr. LOUD. Entirely so.

Mr. ROBERTS. Then I am wrong in respect to that; but the figures given us and the statements made by Admiral Manney are that they do not get the same quality of chain in the open market that they make in the Government yards. There is no question about that. Then when the gentleman came to take up the larger sized chains, he spoke of the breaking strain, the standard established by the Government. I do not think he went into that quite sufficiently to give the committee full information about it. It has been the policy of the Navy Department to make all of these cable chains in its own shops, but, owing to the rapid increase in the number of ships and the great demand for these cables, Admiral Manney told us that a year or so ago the Department found itself short some 11 miles of this cable, and it was impossible with the facilities at hand to catch up; so the Department was compelled to go out into the open market and try to get a chain there that was

the equal of the chain they were making, and what was the result? Why, Admiral Manney told us that time and time again in his testimony. They could not find a manufacturer in the United States that was making a cable chain in the manner in which it was being made in the navy-yard. Why? All the outside manufacturers were making what is called the "side weld." When they lapped the iron over to make a link, the weld came on the side, and when the strain comes on the ends, that side-welded link is weaker than the end weld, because when the end weld is made you carry into effect substantially what is known in marine parlance as the "sister-hook idea."

The two ends of the link are lapped in this fashion [illustrating], so that the strain comes on both parts, and there is no possibility of pulling the link open; but with the side weld that possibility always exists.

Mr. LOUD. Do you not know that the last six battle-ship cables, which are being made by the Monongahela Iron and Steel Company, are all side weld?

Mr. ROBERTS. I understand they are all side weld—

Mr. LOUD. I meant to say end weld.

Mr. ROBERTS. And the Admiral stated they have succeeded in getting one concern in the country to undertake the making of the end weld, but none of that chain has been delivered yet, and we do not know whether it is going to be a satisfactory chain or not. It has not been tested. Now, to go a little bit further in regard to this heavy cable chain. Admiral Manney tells us that the quality of the iron put into the commercial cable is not as high as that of the Government chain. It is not as good; it is a softer iron; and it will wear faster than the Government-made chain; it will rust out faster than the Government-made chain, and those two things are an important factor in the life of the cable.

Mr. LOUD. Will the gentleman yield?

Mr. ROBERTS. Yes.

Mr. LOUD. Are you not aware all the cables used in the English navy are side weld?

Mr. ROBERTS. Mr. Chairman, I do not know whether they are side weld, and I do not care whether they are side weld or not. The Navy Department of this country after full investigation has, with the idea of safeguarding the millions of dollars that are floating in the battle ships and the hundreds of lives there, established a standard superior to the commercial chains or the chains of the English navy, and I do not believe—while the whole tenor of the gentleman's argument was to a lowering of the standard of the United States Navy for its supplies—in it. I believe in keeping that standard just where it is, the very best of any country in the world.

Mr. LOUD. So do I.

Mr. ROBERTS. But your whole argument was on that line.

Mr. LOUD. Not at all.

Mr. ROBERTS. Your argument was to buy this cheap commercial stuff, because you could get it for less money. Now I am coming to another phase of the gentleman's argument. He spoke about cables that have been furnished for some of these big steamers on the Pacific coast—3½ inches; I will not be exact, but the links are much larger than any cable we use in the Navy. Admiral Manney went into that feature in his hearing and he says that the cable 3½ inches, if that is the size—it was over 3 inches—in his judgment, is not as strong as the 2½-inch cable we are making in our own navy-yards. That is not the whole measure of the undesirability of the commercial cable. The weight of it is a very important factor in battle ships. Admiral Manney says:

There are other points about the chain cables. The Boston chain, as I said, is of the highest-grade iron; it is better iron than is put in commercial chains. Much of the latter is unsuitable. Such chains are unduly heavy and liable to accident. The cables of the Pacific liners of which I spoke are, I believe, the largest ever made in this country—3½ inches; cost, \$0.543 per pound. There is no machine in the United States that can test that cable for strength if it is of the best cable iron. It is safe to say that it has never been tested. These chains would not meet the Navy Department specifications. The increase of weight above that of the largest navy cable is for two cables 34,000 pounds (17 tons), which would have to be paid for at whatever the price per pound might be.

Mr. LOUD. Will the gentleman permit me to interrupt him there?

Mr. ROBERTS. If the gentleman will permit me to read the paragraph I will.

Such weight is objectionable in a battle ship, because, as she carries from three to four cables, the unnecessary weight would bar out from 25½ to 34 tons of armor, ammunition, or coal.

There is an item that has got to be considered in the equipment of a battle ship. Are you going to get a cheap commercial cable because it is cheap?

Mr. LOUD. Will the gentleman yield at that point?

Mr. ROBERTS. Go ahead.

Mr. LOUD. If your battle ship is twice as large as the battle ships you are using now, will you have a larger chain? These western steamers I am talking about are double the size of the battle ships we are using.

Mr. ROBERTS. When we increase the size of our battle ships, we may increase the size of the chains. That is a matter for the technical authorities of the Navy to determine, but all the evidence we have before us to-day is that the largest cable we are now making is strong enough or heavy enough for any of the battle ships that we now have, and it will be a technical error to put onto those battle ships commercial chain weighing, as I have shown you here, something like 34,000 pounds more than that which we now have, because you have got to take out just that much weight in something else—your armament, your ammunition, your supplies, your coal, or whatever it may be.

Mr. LOUD. May I suggest to the gentleman that these ships for which these chains were intended are double the size and that the battle ships now must have larger chains?

Mr. ROBERTS. That is no argument, it strikes me, in regard to this proposition—not the slightest. We are considering the efficiency of the chain. The gentleman stated not long ago in the course of his argument, if I gathered the full effect of it, that we can go into the market and buy all of the things that had been under discussion—our rope, our cable, and our anchors—much cheaper than we can make them. I want the committee to consider for just a moment what the possible, and I leave it to your judgment, if it is not the probable, effect of his amendment would be, should it pass. He has provided that no part of said sum shall be expended in the manufacture in any Government navy-yard of any article that can be obtained in the open market at less than the cost of manufacture in said navy-yard. What does that mean? Taking the idea, as I gather it, it fixes the cost of certain articles to that of manufacture in a Government yard. Does anybody believe for a moment that a private manufacturer is going to furnish the Government something that it wants and must have at a less price than the Government sets on that article? The whole effect of the gentleman's amendment, should it become law, would be to raise the price to the Government of all these supplies in the open market and could have no other effect. I notice that the gentleman from Ohio [Mr. GROSVENOR] smiles at that remark.

Mr. GROSVENOR. If the gentleman will allow me, I smile for this reason: I never heard before that creating competition increased prices.

Mr. ROBERTS. I am very glad the gentleman brought that up, because it shows his unfamiliarity with the whole subject. [Laughter.] The gentleman from Michigan [Mr. LOUD] has provided in this amendment that the open market govern the purchase and the price. I do not know, but I presume the gentleman from Michigan knows—I do not know that he does, however—that in the Navy Department "open market" has a peculiar significance. Open-market purchases in the Navy Department mean purchase without competition. It means that the proper officer goes into the market and buys wherever he sees fit, without any bid, proposal, or without any competition whatever, and that is one of the effects of the motion of the gentleman from Michigan [Mr. LOUD].

Mr. GROSVENOR. The word "open" is not in the amendment.

Mr. ROBERTS. I had the amendment right from the desk there, and the word "open" is in it, if the gentleman will pardon me.

Mr. GROSVENOR. It says in the "free" market.

Mr. ROBERTS. Oh, but the amendment as written up there at the desk is the one that we are considering—not something that appears in the RECORD. What we have before the House is the written amendment presented by the gentleman from Michigan. But I am willing to take that construction. What does a "free" market mean but an "open" market? How can you construe it as anything but that you are authorizing the Navy Department to go into a free market and purchase?

Mr. GROSVENOR. He has a free market to-day; and if he wanted to buy a hundred head of horses, would he be compelled to go and find the horses, or would he advertise for competition?

Mr. ROBERTS. The gentleman from Michigan [Mr. LOUD] earlier in this debate found fault with the procedure of the Navy Department in purchasing the material from which chains and ropes and anchors were manufactured, because he said the Department favored certain manufacturers.

They now get open and free competition as to materials to be furnished by his amendment which was accepted. Now, is there any reason why there will not be the same condition of affairs if the Department goes into the open market? They

know what an open market means up there. They want an open market, opened as broadly as possible, so that they will not be hampered by asking for bids, proposals, specifications, and all the rigamarole and red tape of making Government contracts as now exist.

Mr. KELIHER. Will my colleague allow me to ask how long, in his opinion, he thinks it would be, if the Government were to go into the open market and buy from concerns with a capacity to furnish the Government, before there would be a combination to fix prices and that they would soar up as in other cases—notably, for instance, in the matter of powder, that we discovered when the Army bill was up for consideration?

Mr. ROBERTS. I thank my colleague for bringing that matter to my attention. It was one that I proposed to refer to in the course of my remarks. That is one of the probable and almost inevitable results of the adoption of this amendment. If you by this amendment fix the price of the manufacture, and it will be fixed at the cost of the manufacture in the Government navy-yards, inevitably, as business is conducted throughout the country, it would produce not a trust, perhaps, not a combination, but a "gentleman's agreement," possibly, as to the prices that should be charged the Government for what it wants.

Mr. KNOWLAND. Will the gentleman allow me to ask him a question?

Mr. ROBERTS. Yes, sir.

Mr. KNOWLAND. You are a member of the Naval Committee, are you not?

Mr. ROBERTS. Yes, sir.

Mr. KNOWLAND. This matter was fully discussed by the Committee on Naval Affairs, was it not?

Mr. ROBERTS. I will state to the gentleman that the cost of production was thoroughly gone into before the committee—thoroughly discussed—but there was no motion made in the committee to prevent the Government from manufacturing in its own yards any of these articles, and this proposition as it appears on the floor was not discussed in the committee.

Mr. KNOWLAND. In other words, the matter of the cost of chain was thoroughly gone into in the committee, and the committee saw fit to make no recommendation after a full hearing.

Mr. ROBERTS. Oh, yes; as I have read from Admiral Manney's hearing, and as other gentlemen will later read, you will see that nearly every possible phase was carefully and extensively and exhaustively gone into. On the matter of these chains, particularly the heavy cables, Admiral Manney went into minutiae. He says the chains made in the commercial world are not finished as well as the chains made in the Government yards. They are rough, and all that. They are of rough workmanship, and they will wear fast as they go in and out of the hawser holes. They are not as carefully made as the chains made in the navy-yards. And the life of a commercial chain, taking everything else, quality and breaking strain, and all that—the life of the chain would not be as great as the life of a navy-made chain.

Mr. KNOWLAND. What I wanted to get at is, that the committee has had the matter before them, and after hearing the testimony of Admiral Manney and discussing the matter among themselves, they did not see fit to change existing conditions.

Mr. ROBERTS. The gentleman has the correct idea of it. The committee considered all of these different things, and nobody made any motion to do anything different from what we have been doing all along. The committee did not consider there was any necessity for making any change; so that this matter, as it appears on the floor, is entirely new to the members of the committee as a committee.

Just one other thing that possibly I did not go into as exhaustively as I might, and that is the breaking strain of these chains. I will refer to it a little. Admiral Manney told the committee that in order to get the private manufacturers to make these cables at all the Government had to lower its standard, and, among other things, the breaking strain. Now, he says in regard to that—the breaking strain of the cable—the cable would just come within that limit; but he says the breaking strain of the navy-yard cable is much greater than the commercial-made cable. There is an item or element in that proposition that perhaps members of this committee should consider. While the private-made article may just barely get by the Government requirement, do you want to take it when you have a Government-made article that far exceeds the requirement? I think any reasonable man would take the superior article every time.

Mr. GAINES of Tennessee. Will the gentleman please inform the committee what paraphernalia is made at our Government yards that is now in question here? Give us the items, so that we will know what we are dealing with.

Mr. ROBERTS. That is another phase of the gentleman's

amendment. As I understood him when he began he was aiming at the manufacture of cordage, both hemp and wire, and chains, cables, and anchors; but the amendment as he now has it is broadened out away beyond those limits, so that you can not manufacture anything under the Bureau of Equipment in any navy-yard in this country if that same article can be purchased outside for less money.

Now, what do we manufacture under equipment in the navy-yards? In the Boston yard we manufacture cordage, both hemp and wire, and cables and anchors, and that is the only place where we do manufacture them; but we have sail lofts in all the navy-yards, where the sails and the hammocks and all those things that are needed by the men in the Navy are manufactured. That is done in all the navy-yards of the country. Then in the New York yard we have a clothing manufactory, where they make the uniforms for the enlisted men. That would come within the sweeping prohibition of this clause. And there are many things. I can not recall at the moment all the things that are manufactured under the Bureau of Equipment in the different yards.

Mr. GAINES of Tennessee. This motion covers any article that is necessary to be used.

Mr. ROBERTS. That is exactly the idea I am trying to convey. This amendment started out as a blow at the Boston Navy-Yard, but it has been extended so it is a blow at every navy-yard in the country where there is any equipment manufacturing going on.

Mr. GAINES of Tennessee. Now, will the gentleman tell us what the price of the particular matter here in question was before the Government began to make it in the navy-yards?

Mr. ROBERTS. Oh, Mr. Chairman, I can not give the gentleman that information, because I have not gone into that detail of it. I should think the gentleman from Michigan [Mr. LOUD] might possibly inform the gentleman from Tennessee on that.

Mr. GAINES of Tennessee. I asked him, and he could not tell. I think it is a very important proposition.

Mr. ROBERTS. There is one great trouble in all the comparisons made by the gentleman from Michigan, and that is in the absolute difference in the premises. You might just as well try to compare a bluebird with a crow. They are both birds, but there the points of similarity end. So it is with these things manufactured for the Government by the Bureau of Equipment. They are chains and anchors and wire rope and hemp rope and those things, having the same names as similar articles manufactured outside, but those manufactured in the Navy Department are superior in every respect to anything they can get outside. The testimony has not been disputed that when the Government went outside to get that heavy cable, of which it could not manufacture enough to keep up with the needs of the service, the Government had to lower its standards—had to accept an inferior article—in order to get any that would come anywhere near meeting the requirements of the situation. And so, Mr. Chairman, it seems to me that one fact ought to be conclusive on this question.

But here is another phase of the situation that I would like to present to the committee and then I will close. If this amendment becomes a law and operates as the gentleman thinks it will, it will have only one effect, and that is to close up the Government factories manufacturing these different things. When those factories are closed up, then the Government loses its only means of keeping down the price of these articles. It loses its only means of protecting itself from extortionate prices. What will be the inevitable result? The manufacturers will put up their prices and they will keep putting up those prices, because the Government must have these things, and when that price goes up to the point where the Government can manufacture, then, under this law, the Government could rehabilitate its plant and could reach out into the industrial world and possibly get back the force of skilled men it had been employing and start again to manufacture these articles; but when it did that private enterprise would immediately drop the price of the article a trifle below the cost of the manufacture by the Government, and the Government would have to go out of business again, and so you would have that seesaw eternally and nothing conclusive. The Government would be paying as much and, I think, in the end, more than it pays now, because Admiral Manney told us repeatedly that, considering the quality, the Navy Department manufactures more cheaply than private manufacturers. And quality is the one thing we should keep our eye on when we are fitting out these great battle ships.

We want the best possible material that can be had; we do not want anything inferior, no matter if the people will give it to us, because in the end it is false economy. The few dollars

that might be saved by buying commercial articles, articles upon which the safety of millions of dollars depend, would be the poorest kind of economy if, through weakness or defect in that inferior article, a costly battle ship was lost with hundreds of lives. It would be the poorest kind of economy.

Another feature of this case also: They tell us about the size of cables used by commercial vessels. Now, it is well understood by those familiar with naval affairs, and I think it must be apparent to anybody whether he knows anything about the sea or not, that a naval vessel hoists and lowers its anchors twenty-five times where the commercial ship drops an anchor once. And then the naval vessel is sailing the sea in all waters of the world, anchoring, as she must do, on all kinds of bottoms. She must have the very best appliances to insure the safety of the ship.

Now, Mr. Chairman and gentleman, I have gone into this matter and have taken more time than I intended, but the Chief of the Bureau of Experiment, and, if I were permitted to quote, the Assistant Secretary of the Navy are opposed to any amendment of this sort, and it seems to me an unwise thing for this House to lower, deliberately lower, the standard of the materials to be used in our Navy, as will be done with such an amendment.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. ROBERTS. Certainly.

Mr. GOULDEN. The gentleman speaks of the Navy Department being obliged to lower the standard of various goods manufactured of this character for use in building and equipping ships in order to secure them from the outside manufacturer. Does that account for the fact that the Government itself keeps up this high standard and for the fact of the difference in cost as shown by the gentleman from Michigan [Mr. LOUD]?

Mr. ROBERTS. I will state that that accounts in part for the increase in cost. I am glad the gentleman from New York brought this up.

Mr. GOULDEN. There is quite a noticeable difference in the cost, as shown by the figures of the gentleman from Michigan, and I wanted to satisfy myself whether the lowering of the standard by the Department to the open shops brought about the difference of price mentioned by the gentleman.

Mr. ROBERTS. I want to show the gentleman just how much the lowering of the standard lowered the cost to the Government. Admiral Manney testified that the large cable now being made cost 9½ cents per pound. By lowering the standard and allowing a private concern to make a side weld instead of an end weld they saved one-quarter of a cent a pound. That was all of the saving to the Government by abandoning its standard, and the only reason it abandoned the standard was because of the great demand for cable and the inadequate facilities of the Government to make all it needed. They were not able to manufacture all they wanted. So you can see that when the Government for these reasons is compelled to go outside it will get an inferior article, and it is going to cost almost identically what the Government now pays for a superior article. It is a business proposition for each man to settle whether that is economy, whether that is a part of wisdom to drop the standard because you save a fraction of a cent a pound.

Mr. RIXEY. Will the gentleman yield?

Mr. ROBERTS. I will.

Mr. RIXEY. I would like to ask the gentleman this question. We are both on the Committee on Naval Affairs. I want to ask him if he concedes the contention of the gentleman from Michigan, that the chains which are made by the Boston Navy-Yard can be purchased any cheaper in the open market?

Mr. ROBERTS. Mr. Chairman, I do not concede that for a moment. I did not even hear the gentleman from Michigan [Mr. LOUD] make the statement that chains of the same quality as those made in the navy-yard at Boston can be purchased outside at any price. What the gentleman from Michigan did say was that cables of this diameter could be purchased in the open market at a less price than it cost us to make it, but he very carefully refrained from saying that it was cable just as good as that which was made at the navy-yard.

Mr. RIXEY. Is not the only fair comparison a comparison as to quality and whether they can come up to the specifications required by the Navy Department?

Mr. ROBERTS. Most assuredly, and that has been my attempt, throughout my argument, to demonstrate that we should keep up the quality. We should insist on the very highest standard and we should maintain that standard, and the cost over and above what the article could be bought for in the market is infinitesimal.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I have listened with a great deal of pleasure

to the debate on this question. This thought has occurred to me, and I think possibly the suggestion has been made heretofore, when we had up the question of the Government powder factory in the Fifty-fifth and Fifty-sixth Congresses. In April, 1900, Secretary Long reported to Congress that he needed—I think this is the substance of his report—more competition and better powder—smokeless powder. Congress at once made an appropriation to build a powder factory, and later on Secretary Long reports to Congress in these words:

The powder factory at Indianhead is progressing favorably. It is neither expected nor desired to enter into competition at this work with private manufacturers, except as to *quality*.

"Quality" in hardware is the very point that has been here to-day accentuated, particularly by the gentleman from Massachusetts [Mr. ROBERTS], and that *regardless of the cost price* we are getting *exactly* what the Government needs in its Navy Department and a better "quality" than we can get from any private concern, and if I understood the gentleman from Massachusetts correctly he said a few moments ago we are getting at the navy-yard an article that we can not get at private sale at all.

Mr. ROBERTS. That is the fact exactly.

Mr. GAINES of Tennessee. So it will be seen that we are not only getting a better quality of article which is indispensable, but we are getting an article that we could not get at all under private contract.

Mr. LILLEY of Connecticut. Oh, we are getting just the same article.

Mr. GAINES of Tennessee. The gentleman from Massachusetts disagrees with the gentleman from Connecticut.

Mr. LILLEY of Connecticut. I can not help it if he does. That is his privilege.

Mr. GAINES of Tennessee. Now, I stand by my friend from Massachusetts, because I asked him the question and he answered it. I do not want to disagree with the gentleman from Connecticut. I want to say this, as Secretary Long says about the question of powder, that we will, as he did, get a better *quality* if the Government makes it. Then there is another proposition. Suppose we have to pay a little more, if the Government makes it, and you can get the same article on the outside.

Mr. LILLEY of Connecticut. But this amendment has nothing to do with powder, has it?

Mr. GAINES of Tennessee. Oh, I am using that by way of analogy to show you exactly what has been done with powder. The principle is the same. We did not get the quality of powder we desired, and we did not get the amount and the price was exorbitant, because of a lack of "sufficient competition," as Secretary Long said about powder. This is why we put up that powder factory, and we need to enlarge it now. Suppose you were to close down making any public machinery in any of our Government factories of any kind, does the gentleman not know that the private factories would rise up and fleece the people and the Government?

Mr. LILLEY of Connecticut. No; I do not.

Mr. GAINES of Tennessee. Oh yes; that is the experience of the United States before.

Mr. LILLEY of Connecticut. Oh, there is a large number of factories that make chains.

Mr. GAINES of Tennessee. Yes, and about all are in a trust. They not only make chains, but they have got chains around the hands and the feet of the American people, including Uncle Sam. There is nothing but seed and air now which is not in a trust.

Mr. OLMSTED. Mr. Chairman, I would like to say to the gentleman from Tennessee that the Lebanon Chain Works, which makes these chains, is in my district and that it is not in a trust, but is opposed to every trust, and is doing an exceedingly good business.

Mr. GAINES of Tennessee. Then I hope my friend will vote for free alcohol, and then we will preserve that factory until Gabriel blows his trumpet. [Laughter.] I congratulate the country that there is something in the gentleman's State that is not in a trust. But my point is this, that if we stop making these articles we make in our Government factories—pistols, guns, powder, harness, military clothes, brass buttons, and the various things that we make—common sense would say that the manufacturers would put up the price on the Government of the United States as well as upon the people. Now, I think it is the height of wisdom—it is good common sense, it is a business proposition—that we continue to make a part of these articles and all others in Government factories.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. It is said that the manufacturers of the country are prospering as never before in the history of the world, but Uncle Sam is not, because we have had a deficit in the Treasury for about eighteen months. I would like to know who is nearer the pauper row, the manufacturers of the country or the Treasury of the United States? Isn't it our duty to keep up a healthy competition? And certainly we are doing it now. The Navy is hurting no one. Admiral Manney, a man of integrity, a man of splendid record, now retired, totally disinterested, having nothing privately on earth to do with this, has stated that we are getting exactly the article that we want, as I remember the testimony, and that we are getting an article that at the time he wanted it was not made by private citizens at all.

Now, let me go a step further. Admiral O'Neil—I am reading from one of my speeches, where I quoted from Admiral O'Neil (Secretary's Report, 1897, p. 295)—who then said:

The Bureau is of opinion that, for national and economic reasons, the Department should own and operate a smokeless-powder factory, at which it could produce a part of the powder required for the naval service, and an item has been inserted in the annual estimates for this purpose. The property known as Bellevue Magazine, on the Potomac, just below Washington, would be an excellent site, and it is conveniently reached by water and by railroad, and it is but two hours' distance from the naval proving ground. The present price of the smokeless powder procured by purchase is very high, and the Bureau believes it can produce it in larger quantities at a greatly reduced price.

And if I understood the statement of the gentleman from Virginia [Mr. RIXER], we are now doing that. Going on, he states:

The success of the Bureau with its gun factory encourages it to believe that it would do equally well in the manufacture of other munitions of war.

President Lincoln recommended Government factories. We not only get a better quality, but get exactly what we want; and we have competition, we have it right now, and are about to stifle it by this change. Why, the proposition the gentleman [Mr. LOUP] makes shows that we have competition now; let us continue it; not that the Government wants to go into the manufacture of anything to sell it to its people, but to supply public wants—take care of itself.

Mr. LILLEY of Connecticut. Do I understand the gentleman to assert that there is no fair competition now in the Government supplies, such as steel and iron?

Mr. GAINES of Tennessee. Why, I do not think so.

Mr. LILLEY of Connecticut. You do not think there is fair competition?

Mr. GAINES of Tennessee. Oh, well, I mean between manufacturers as such. Between the Government, in making these articles, and steel concerns there is competition.

Mr. LILLEY of Connecticut. There are some bids, if you will let me read them.

Mr. GAINES of Tennessee. Anything to enlighten the subject.

Mr. LILLEY of Connecticut. And they run from two and three hundredths of a cent per pound up to 5½ cents. There are eight companies that bid on those, and if the gentleman will allow me I will read. The Bethlehem Steel Company's bid was 2.75.

Mr. ROBERTS. What is the gentleman talking about?

Mr. LILLEY of Connecticut. Bar steel: Berry & Aikens Company, 2.60; Carpenter Steel Company, 3.20; Crucible Steel Company, 2.20; J. B. Kendal, 2.03; they were the lowest bidders; Midvale Company, 5.50; Sanson & Roland, 3.16.

Mr. ROBERTS. To whom were these bids submitted?

Mr. LILLEY of Connecticut. To the Navy Department.

Mr. ROBERTS. What is the date of that?

Mr. LILLEY of Connecticut. March 6. There are a large number of other bids, ranging from 1.91 to 3.75. Here are thirteen bidders.

Mr. GAINES of Tennessee. Who are the concerns that are bidding?

Mr. LILLEY of Connecticut. The Bethlehem Company, Berry & Aikens, Carpenter Steel Company, the Carnegie Company, the Crucible Steel Company, I. G. Johnson, J. B. Kendal, the Midvale Company; Manning, Max & Moore; New Jersey Foundry and Machine Company; Edward A. Temple; Woodward, Wite & Co.

Mr. GAINES of Tennessee. Now, will the gentleman tell the House how many of these concerns are controlled by one great big trust?

Mr. LILLEY of Connecticut. With such prices it would be utterly—

Mr. GAINES of Tennessee. I understand you have named companies all over the country; but is there not a main company in control of the whole business by having directors in all the subsidiary companies?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Let me have three minutes more. I have not finished what I have to say, and my friends have interrupted me so much.

Mr. LILLEY of Connecticut. The bids would hardly vary.

Mr. GAINES of Tennessee. Wait a minute. Let me finish up. The gentleman can get five minutes. The gentleman from Connecticut [Mr. LILLEY], I dare say—

Mr. LILLEY of Connecticut. I just wanted to show you there was plenty of competition, and that there was no agreement as to prices.

Mr. GAINES of Tennessee. The gentleman from Connecticut, I dare say, will not be able to tell this House that all the companies whose bids he has read there are not controlled by one company.

Mr. LILLEY of Connecticut. The very figures show that they are not.

Mr. GAINES of Tennessee. I say that the Federal steel concern—I believe that is what it is called—or the steel trust, controls from 60 to 80 per cent of the output of steel in the United States.

Mr. BURTON of Delaware. What difference does it make to the Government, if the Government buys it cheaply, if they are all owned by one man? Here is a wide range of difference in the bids.

Mr. GAINES of Tennessee. If we did not keep up this factory, my dear sir, past history has shown, and my judgment compels me to believe, that these private companies would raise the price. Foreign governments, in the building of their war machinery, give part of the work to the private concerns and part of the work to the public, or government, factories. In that way they maintain and run both. So that if the private factories were to burn down, or if they were to be sold to the enemy, we would have Government factories, with lamps trimmed and burning, making paraphernalia not only in time of peace, but they would be in perfect condition in time of war. Now, all the great nations of the world give part of the work to private factories for the purpose of maintaining them, which is right and proper, and give the other part to the government factories for the purpose of keeping them in running order and serving the government in time of both war and peace. I investigated that matter in the Fifty-fifth and Fifty-sixth Congresses. I wrote letters to the representatives of foreign governments here, and that is the substance of the letters which they wrote back to me and which I published in the RECORD. Hence I shall oppose the proposition of the gentleman from Michigan. Suppose the Government gets all the articles we want from private concerns; that would close up the Government factories and stop their machinery. We would lose our best artisans, our fine labor, everything would be thrown into chaos, and inside of six months you would see the prices of all these articles, if we are to judge the future by the past, raised to exorbitant, oppressive, and monopolistic prices.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, this amendment stands in the RECORD as offered by myself. I think I ought to say to the committee that I was not the author of the amendment. It was drawn by the gentleman from Pennsylvania [Mr. OLMSTED], and I undertook to offer it in the name of and in behalf of my friend from Michigan [Mr. LOUP].

But that makes no difference in the merits of the case. I have no navy-yard in my district, and hence I am a disinterested witness. I have no doubt if I had one that I should be as zealous to upbuild the number of employees as the gentleman from Massachusetts [Mr. ROBERTS] seems to be. And I do not blame him for that. The gentleman from Tennessee [Mr. GAINES], however, has no navy-yard. He has been drawn into the toils of discussion here by the gentleman representing our navy-yards, and I want to remind him that he has got no navy-yard in his district—

Mr. GAINES of Tennessee. Hence I am partial to recognizing Uncle Sam.

Mr. GROSVENOR (continuing). And has a great lot of labor that ought not to be driven out of the greatest industries in the country by any act of Congress. The matter is not of importance to the gentleman from Tennessee [Mr. GAINES].

Now, I have listened with great interest to the remarks of the gentleman from Massachusetts [Mr. ROBERTS], and I am satisfied that the amendment which I nominally offered is not

in the form it ought to be, and the suggestions have come to me from the gentleman from Massachusetts, in his address, and I concede that upon two points, probably, there is wisdom in his suggestion, and I am glad to testify to it; and, at the proper time, I will offer two amendments to the amendment, the first one to follow the word "article," in the second line, as it is printed in the RECORD. And I want to remind my friend from Massachusetts [Mr. ROBERTS] that the word "open," before the word "market," does not appear in the amendment that is pending before the House.

Mr. ROBERTS. Will the gentleman pardon me?

Mr. GROSVENOR. Certainly.

Mr. ROBERTS. The reading clerk read the amendment from the paper he had before him, which contained the words "open market." He showed me the writing, and I read it "open market" just as he did.

Mr. GROSVENOR. It is printed in the RECORD—

Mr. ROBERTS. The gentleman knows that we do not go by what is printed in the RECORD. We go by written papers, that are in the hands of the Clerk, offered from the floor. I have heard the gentleman before get up and correct the RECORD because it was inaccurate.

Mr. GROSVENOR. I never saw the amendment until the gentleman sent it up by page. Now, will the Clerk send me that amendment? Now, is there anybody who will make it say that? You may poll this whole committee and there will be as many say "free" as there will say "open."

Mr. ROBERTS. Whose handwriting is that?

Mr. GROSVENOR. There is no "p" in it. It really does not say anything. It is not a word; it is a sign; but, as it is printed and as it will be voted upon, it is a "free market." But I am going to cure all that trouble, so that gentlemen will be relieved; and I shall offer this amendment to the pending amendment as it appears in the RECORD. After the word "article," in the second line, as it stands printed, I will offer this:

By bids at the solicitation of the Department, or in such other manner as the Department chooses.

Now, then, there is no squeezing out of anybody in that language. That gives the Navy Department the fullest possible opportunity to buy as best they can, either by soliciting bids or by going out and finding the article in any other way.

Mr. ROBERTS. If the gentleman will pardon me.

Mr. GROSVENOR. In the last line of the amendment—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I hope the Chair will be a little patient, as I want to get this right.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. I propose to offer a second amendment, as follows:

Of a standard of quality to be fixed by the Navy Department.

Mr. ROBERTS. Will the gentleman pardon me just a moment?

Mr. GROSVENOR. Oh, yes.

Mr. ROBERTS. I understood the gentleman to say that he was trying to obviate the objection pointed out by me to the use of the words "open market." Am I correct in that?

Mr. GROSVENOR. Oh, no; I do not care anything about that. My attention was called to this defect—

Mr. ROBERTS. I am rather surprised that the gentleman should take up so much time in correcting a defect, if it was one, that had not been pointed out.

Mr. GROSVENOR. I will take a great deal of pains to say to the gentleman, and he may send it home by special telegram if he chooses, that my attention was called to the defect in the amendment drawn by the gentleman from Pennsylvania, and the matter was shown by the learning and eloquence of the distinguished gentleman from Massachusetts.

Mr. ROBERTS. I thank the gentleman. Nobody is better qualified to distinguish those qualities than the gentleman from Ohio.

Mr. GROSVENOR. I can distinguish it, and now express it.

Mr. ROBERTS. The gentleman should not be surprised that I should agree with him.

Mr. GROSVENOR. Now, the amendment which I propose to offer I think gets rid of two objections which I have said I recognize as made by the gentleman from Massachusetts. First, that there may be a construction put upon the words "free market" that would limit the jurisdiction or the operation of the Navy Department in its purchases, and, second, the amendment as proposed is that the Navy Department if it solicits bids or contracts with any contractor for any of the

articles shall fix the standard itself that the articles shall come up to. And then we have what? We have the competition of the whole United States in competition with this Bureau of the Navy Department, which is expending such enormous sums of money that, in my judgment, justify Congress in giving some attention to it. Certainly no harm can come to the Navy Department. They shall not be permitted to buy a chain that does not come up to their own standard of fitness; they shall not be compelled to buy an anchor that does not come up to their own standard of fitness, and they shall not be compelled to buy an article that does not correspond with the standard that the Navy itself shall create.

Now, Mr. Chairman, what have we here? We have a suggestion solemnly made, and it is repeated by the gentleman from Tennessee in the very words of the gentleman from Massachusetts, that this great Government of ours has got into the bad shape that we can not manufacture a log chain; that we have not got capacity enough in the United States outside of the Department to make a chain. Did anybody ever hear any such proposition as that? The greatest chains, the biggest chains, the best chains to-day, are not manufactured by the Navy Department. The best chains in use on this continent are the chains made use of by the great ocean-going ships. Is it possible that after all these years of experimentation and experience we find ourselves in this year, when we have brought ourselves to where we are the greatest manufacturing nation on earth, that we are incapable of making a chain? Did anybody ever hear the like of that?

Mr. ROBERTS. Will the gentleman pardon me?

Mr. GROSVENOR (continuing). Or say that we must pay this enormous and extravagant cost.

Mr. ROBERTS. Will the gentleman pardon me a moment?

Mr. GROSVENOR. Certainly.

Mr. ROBERTS. Is there any denial by the gentleman that the Navy Department have only succeeded in the last contract in inducing one firm in this country to make chains on the pattern that the Navy Department want?

Mr. GROSVENOR. Very well, and that, it appears, is a fad of somebody in the Bureau of Construction, and is not commended by the great naval constructors of the world. There is not such a chain made for the use of any navy on earth except ours. In the manufacture of that chain we are as far behind the other nations of the world as we are in a good many other things.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Ohio may continue for five minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. I thank the gentleman from New York. I ought to say that the gentleman from New York was perfectly—

Mr. McNARY. I should like to ask the gentleman a question. He has made a statement—

Mr. GROSVENOR. One moment. I ought to say that the gentleman from New York was perfectly fair in asking me where those amendments go together. If he will wait until I offer the amendment, I will point out to him exactly. Now, if the gentleman from Massachusetts wants to ask me a question, I shall be glad to listen.

Mr. McNARY. The gentleman from Ohio stated that the cables used on the ocean liners were better than the chains used in the Navy Department.

Mr. GROSVENOR. I have not offered a comparison, but I said something about like that.

Mr. McNARY. I venture to say that the RECORD will show that the gentleman did use substantially those words, and that that was the purport of his statement to the House.

Mr. GROSVENOR. What are the words that you say I used?

Mr. McNARY. I desire to call the gentleman's attention to page 393, where Admiral Manney testified—

Mr. GROSVENOR. I have not yielded for that. What are the words that the gentleman says justify his statement? I refer to the words he says I used.

Mr. McNARY. The gentleman said substantially that the chains made by private manufacturers were the best chains made in the world.

Mr. GROSVENOR. I did say so. Admiral Manney has been heard here repeatedly, and he has given his views about chains. He belongs to the Navy; he is on the retired list; and he would not under any circumstance permit a ship to be built outside

of a navy-yard if he could help it. He would not permit anything to be done outside of a navy-yard if he could help it. There is no doubt about that. I do not impugn his motives; but he is an old gentleman, with prejudices in favor of the arm of the Government that he has been such an ornament to during his long life. I say to-day that the skill of the best workmen in the world has been brought to bear in the construction of the chains that are used at New London, and which were furnished there for the two great ships that were sent out to the Pacific Ocean.

Mr. McNARY. Let me read the statement showing that they never were tested, and are not as good as the navy-yard chains.

Mr. GROSVENOR. I say they are.

Mr. McNARY. Admiral Manney knows more about it than you do.

Mr. GROSVENOR. I know just as much about it as you do, and neither one of us knows a thing in the world about it. [Laughter.]

Mr. McNARY. If I knew so many things that were not so as you do, I would not quote them so frequently.

Mr. GROSVENOR. I will state to the gentleman, before he makes any more mistakes of fact, that we have the certificate of the inspector who inspected the very chains that I was talking about.

Mr. McNARY. Read it.

Mr. GROSVENOR. I will not. I will put it in the RECORD in my speech.

Mr. McNARY. Read it.

Mr. GROSVENOR. And when I put it in the RECORD I hope the gentleman will take back what he has said.

Mr. McNARY. I do not believe you have it there.

Mr. GROSVENOR. I have the word of the gentleman from Michigan [Mr. LOUD]. He may state it for himself.

Mr. McNARY. I do not care anything about that. You said you had it. Read it.

Mr. GROSVENOR. I say we have it. I have read it. It is in the possession of the gentleman from Michigan [Mr. LOUD].

Mr. McNARY. Then read it. When the gentleman makes the statement that he has things in his possession, I think, when demanded, he ought to give them to the committee.

Mr. GROSVENOR. I haven't said that I had it in my possession.

Mr. McNARY. Where is it?

Mr. GROSVENOR. The gentleman from Michigan [Mr. LOUD] has it in his room at the hotel.

Mr. McNARY. Oh, yes!

Mr. GROSVENOR. Does the gentleman say that he has not?

Mr. McNARY. I have not said that he has not.

Mr. GROSVENOR. But the gentleman said that he knew that the chains put on the great ships at New London were not inspected.

Mr. McNARY. Who said so?

Mr. GROSVENOR. The gentleman from Massachusetts said so.

Mr. McNARY. I said that Admiral Manney said so.

Mr. GROSVENOR. Well, I am delighted to hear that the gentleman concedes that Admiral Manney made one mistake. Now, I said that the gentleman from Michigan [Mr. LOUD] has the statement at his room at the hotel.

Mr. McNARY. Now, if the gentleman will permit me, I will read what Admiral Manney said.

Mr. GROSVENOR. I now have in my possession, kindly handed to me by Mr. LOUD, who thought he did not have the statement with him, but which he has happily found among the accumulation of papers on his desk, the statement to which I referred when I denied the accuracy of Admiral Manney's statement and insisted that the chains used by the *Minnesota* and *Dakota* had all been tested by the highest possible test in the world, and it gives me great pleasure, for the benefit of the gentlemen of the committee and because my veracity in that respect was unfortunately challenged by the distinguished gentleman from Massachusetts, to put into the RECORD the letter upon which I have relied for the statement which I made, and which I now challenge contradiction of by any man living. Here it is:

LLOYD'S REGISTER OF SHIPPING,
Philadelphia, March 17, 1906.

GEORGE A. LOUD, M. C., Esq.

DEAR SIR: In reply to your letter of March 14 regarding a statement made by Admiral Manney that the 3½-inch cable chain supplied to the steamships *Minnesota* and *Dakota* were not tested, I have pleasure to inform you that this statement is incorrect, as the entire outfit of cables were tested by one of our staff both for breaking and proof tests at the works of the makers, the Lebanon Chain Works, Pennsylvania.

The Lebanon Chain Works, Pennsylvania, have a chain-testing machine capable of testing up to 600,000 pounds, which can deal with chain even of greater dimensions than in this case. I may further

state that all vessels built to class with Lloyd's Register of Shipping must and do have their cables and anchors tested as required by the rules.

I have not the slightest objection of you quoting us in this matter.

Very faithfully, yours,

ROBERT HAIG.

The gentleman from Michigan [Mr. LOUD], a member of the Committee on Naval Affairs, is one of the most painstaking and careful Members of this House. He is a man of large experience in kindred business to the Navy. He was connected to some extent with the Navy when Admiral Dewey won his great battle and made his name immortal and stepped into the niche where will stand for all future time the John Paul Joneses, the Decatur, the Dahlgrens, and other brilliant men of the American Navy side by side with the Nelsons and Togos and scores of others who might be named in the foreign navies. This gentleman [Mr. LOUD] has made an exhaustive study of this matter, and he has made it openly and above board, and he has kindly furnished to me a copy of a letter which he addressed to the Assistant Secretary of the Navy, in which all these defects of administration are shown. Here it is:

Mr. TRUMAN H. NEWBERRY,

Assistant Secretary of the Navy, Washington, D. C.

MY DEAR SIR: A few days ago when I had a personal conference with you relative to the manufacture of naval equipment at the Boston Navy-Yard you requested that I should put my information and views on the subject in writing, which I will now endeavor to do.

The largest items being manufactured at that yard are anchors, chains, wire rope, and cordage. The basis of my information is to be found on page 7, in the Report of the Chief of the Bureau of Equipment for 1905, and hearing No. 49, by Rear-Admiral Manney, before the Naval Committee of Congress, particularly on pages 418, 419, and 420 of said hearing.

Anchors.—Taking up first the subject of anchors manufactured during past year, you will notice the last item at the bottom of page 7, the output at this factory, was 605,483 pounds, costing \$81,564.12, or 13½ cents per pound.

On page 418 of hearing No. 49 you will find cost of anchors of private make, according to statement of Admiral Manney, 5½ cents for ranchors under 1,000 pounds and 6 cents to 8½ cents for anchors over 1,000 pounds.

I have further information on this subject from the Department of Commerce and Labor, Light-House Establishment, who advise me that they have paid for forged fluke anchors 5½ cents to 6 cents per pound, also for forged stockless anchors 6 cents per pound.

The Newport News Shipbuilding Company, in their letter to me of March 9, state:

"With regard to anchors, I beg to say that while the price varies with market conditions, from 7 cents to 7½ cents per pound would be a fair average figure for forged anchors."

From the letter of the Treasury Department, Revenue-Cutter Service, dated March 15, I am advised that they have paid from 4½ cents to 6½ cents per pound for forged anchors.

I find that a shipbuilding company which lately constructed light-house boats for the Light-House Service furnished forged anchors therefor weighing 11,925 pounds costing \$4.98 per 100 pounds, or practically 5 cents per pound.

You will notice in Exhibit A of the hearing that the cost of 8,000-pound anchors at the factory in the Boston Navy-Yard was \$17.65 per 100 pounds, and for 14,500-pound anchors, \$15.39 per 100 pounds, which makes the relative cost in this instance of 5 cents for the forged anchors furnished to the Government light-ships, as against about 16 cents Government manufacture.

As forged anchors are now becoming nearly obsolete in the merchant service, cast-steel stockless being used instead, I have no further data on the subject of forged anchors; but, as to the cost of steel anchors, the American Shipbuilding Company on the Lakes are paying 4 cents per pound for cast steel anchors required for large lake freighters, and the Pacific Mail Steamship Company, in their letter to me under date of March 23, state that for 12,500 and 14,000 Baldt stockless anchors they paid 4½ cents per pound f. o. b. Chester, Pa.

The anchors furnished to the steamship *Minnesota* and *Dakota* weighed 16,800 pounds each, and cost \$3.65 per 100 pounds.

Chain.—Taking up the second subject of manufacture, chains and anchor cables, in the first item of the table given at the bottom of page 7, Report of the Bureau of Equipment, we find one-half-inch chain cable, 2,628 pounds, \$632.78, showing cost per pound is 24 cents; five-eighths-inch chain cable, 2,887 pounds, costing \$793.01, showing cost per pound is 27½ cents.

The highest market quotations on these sizes run from common chain, at \$3.60 per 100 pounds, to the highest grade, \$8.40 per 100 pounds, for the one-half-inch chain, and in this connection I will say that the purchasing department of the Isthmian Canal Commission, in a letter of April 28, show purchases of three-eighths-inch straight short-link iron chain at \$3.94 per 100 pounds delivered on dock at Colon.

While the amount involved in the above manufacture of chain is so small that it is of little importance, nevertheless it shows the expense of Government manufacture to be abnormally large—that is, the cost at the Government factory being three times the market price of private made chain of the very highest quality. Will add to above information that the market price of best special dredge hand-made chain is \$8.40 per 100 pounds for one-half-inch and \$7.40 for five-eighths-inch. (See price list from Lebanon Chain Works, dated January 12.)

Taking up the subject of heavy anchor cables, the same table at the bottom of page 7 shows that 1½-inch costs 16 cents per pound, 1½-inch costs 12½ cents, 1½-inch costs 12½ cents, 1½-inch costs 11½ cents, or an average of over 13 cents per pound.

A letter from one of the largest shipbuilding companies there is in the United States for building ocean steamships shows cost of chain furnished in these sizes from \$3.32 to \$4.15 per 100 pounds.

As to cables 2 inches and larger, referring to the table at the bottom of page 7, we find the following items of output and cost, to which I have added the cost per pound derived from figures that are given. Noticing that these figures vary from 9½ cents per pound for 2½-inch to

13½ cents for 2½-inch cables, without apparent reason for the wide divergence in cost, I have put the figures together in these six items.

Size.	Output.	Cost.	Average cost per pound.
	Pounds.		
2 inches	227,148	\$22,004.43	\$0.0966
2½ inches	30,200	3,624.00	.1200
2½ inches	11,816	1,119.20	.1000
2½ inches	878,733	94,560.87	.1075
2½ inches	1,011,941	153,241.55	.1380
2½ inches	218,422	20,805.90	.0950
Total	2,378,260	275,355.90	.1158

We therefore find that the average cost of all the cable manufactured, 2 inches and upward, was \$11.58 per 100 pounds, the largest item being 2½-inch cable, shown above to have been \$13.20 per 100 pounds.

While Admiral Manney, in hearing No. 49, for comparison between Government cost and contract price paid to private manufacturers, has stated that the Government cost was 9½ cents, or \$9.50 per 100 pounds, I believe that we must hold that the cost of this item is not to be considered as the average Government cost, but we must take the average cost of \$11.58 per 100 pounds; or if we wish to be more particular, we must take, jointly, the last two items of 2½ inches and 2½ inches in above table, which if so considered, would make the average price of these two items \$12.50 per 100 pounds.

While this indicates the cost of the output of the Government shops, it is not the actual or full cost. The first, second, and tenth items in table at bottom of page 5, Report of Bureau of Equipment, viz:

Office and store labor, handling coal, shipments, annual leave, etc.	\$103,428.82
Repairs and additions and maintenance of machinery plant	56,157.33
Miscellaneous articles	53,262.03
Total	212,848.24

This amount, \$212,848.24, together with other items not given, must be spread to a more or less extent over the seven items of output shown in that table to give the real cost.

If spread evenly or pro rata, this increase by 12½ per cent or more the cost shown in tables on page 7. By adding 12½ per cent to \$12.50, we have \$14 per 100 pounds, or 14 cents per pound, the actual cost of the 2½-inch and 2½-inch cable made in the Government shop.

From evidence given in the hearing we find the largest-sized battle-ship cables, 2½ inches, have been made by contract by private firms; 9½ cents per pound for cables made by the Lebanon Chain Works, and 8½ cents per pound for cables contracted for, but not delivered, by the Monongahela Iron and Steel Works.

I wish to state here that upon careful consideration of the subject it is my belief that all of the battle-ship cables desired of this specification, any size, can be purchased by contract at from 6 to 7 cents per pound under the same specification as to strength or breaking strain as now required, but eliminating the absurd and impossible chemical specification, especially as to sulphur content, which has the effect of ruling out competition and forcing the Government to pay a needlessly high price.

As to anchor cables larger than 2 inches I can give you the following information: One of the largest ocean shipbuilding firms in the United States advises me that they pay \$4.15 per 100 pounds for 2½-inch anchor cables, \$4.30 per 100 pounds for 2½-inch, and \$3.85 per 100 pounds for two and one-sixteenth inches.

Large freighters on the Great Lakes, last built, for 2½-inch tested stud-link cable chains paid \$3.30 per 100 pounds.

I am advised by Cramp & Sons Shipbuilding Company that the 2½-inch anchor cables furnished by them to the Russian cruiser *Retvizan*, British Admiralty test, was \$4.50 per 100 pounds, while the 2½-inch cable furnished the cruiser *Variag*, British Admiralty test, was \$3.70 per 100 pounds.

The Pacific Mail Steamship Company in their letter of March 23 advise me that they pay for 1½-inch stud-link tested cable chain \$4.50 per 100 pounds, f. o. b. Philadelphia for steamship *Costa Rica*, also 1½-inch and 1½-inch tested stud-link cable chain for steamship *City of Para* and steamship *Barracouta*, both at \$3.60 per 100 pounds delivered in New York, also 1½-inch tested stud-link cable chain for steamship *Acapulco* at \$3.74 per 100 pounds delivered in New York.

In a letter from the Upson-Walton Company, of Cleveland, Ohio, which, I believe, is the largest ship-chandlery firm on the Great Lakes, we find the following paragraph relating to chains:

"We do not sell the chains for the new steamers that are fitting out on the Lakes, the margin being so close on these goods that the manufacturers sell them direct. Our cost price is the same, we are told, as the price charged the shipyards; and on the regular grade of chain, such as is used by these parties, the cost up to 2 inches to-day is \$3.56 per hundred pounds, freight allowed to Cleveland from factory; and on the best quality of dredge chain the cost on the same sizes is \$4.75 per hundred pounds, this being, however, a much finer quality of chain than is used on the Lakes."

From the American Shipbuilding Company, of Cleveland, Ohio, I have the following:

MARCH 17, 1906.

Hon. GEORGE A. LOUD, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of the 14th instant, you of course know that we do comparatively nothing in the line of Government work here on the Lakes, and I am not, therefore, able to give you any idea as to the cost of chain cable made to Government specifications. It is my opinion, however, that your estimate of 6 cents ought not to be far out of the way.

We have purchased during the past five years somewhere between 2,000 and 3,000 tons of stud-link chain cable for use in merchant work, and an average price during that period would be a fraction under your estimate of 4 cents.

As to anchors, we use nothing but cast steel; consequently I am unable to give you a price on forged.

The average price on cast-steel anchors for the past five years would be, I judge, between 5 and 6 cents per pound.

Hoping this will give you the information you desire, I am,

Yours, respectfully,

N. S. THRASEER, Purchasing Agent.

It is perfectly understood by me that these cables for merchant service, costing from \$3.30 to \$4.30 per 100 pounds, are not up to the specifications of the United States Navy, and are not given for comparison, but are given to show that all vessels outside of the United States Navy are equipped with cables costing less than 5 cents per pound, in size 2½ inches and under, this being the largest size brought to my notice, with the exception of the four steamers on the Pacific, the *Minnesota*, *Dakota*, *Manchuria*, and *Mongolia*.

The cables on the *Minnesota* and *Dakota* are 3½ inches in diameter, and the price paid for them was \$5.43 per 100 pounds, delivered at New London, Conn.

Quoting from a letter of the Eastern Shipbuilding Company, under date of March 21, we find the following:

"You are right in assuming that the price which we paid for those chains was high, but you must realize that these were very difficult chains to make, the weight of each link being as much as one man could handle. Smaller size chain, of course, cost very much less, as you note from my previous letter that the 1½-inch chain cost \$3.75 per 100 pounds (this size chain being large enough for most ships built in this country). I wish to impress upon you, however, that Lloyd's inspection greatly increases the cost of the chain, as their test is very severe, involving much handling of same, cutting out of links, etc."

There was doubt expressed by Admiral Manney before the committee (see hearing No. 49) as to these cables being inspected. The cost of Lloyd's inspection adds one-half cent per pound to all chains so inspected. (Lebanon Chain Works, January 12.)

As to these particular chains being inspected, we find by letter from the Eastern Shipbuilding Company, under date of March 17, the following:

"These chain cables are 3½ inches in diameter; they were the largest ever manufactured at that time, and it was deemed of great importance that same should have very careful inspection. Therefore these chains were inspected by Lloyd's local inspector at the chain works, of Lloyd's principal surveyor in this country, and again by Lloyd's surveyor after same had arrived at the works of the Eastern Shipbuilding Company."

The chain cables were manufactured by Lebanon Chain Works, and the steel anchors were made by Seaboard Steel Casting Company. The 3½-inch chain cost \$5.43 per 100 pounds; the 1½-inch chain cost \$3.75 per 100 pounds, and the anchors cost \$3.65 per 100 pounds.

In conclusion I wish to state that the steamships *Minnesota* and *Dakota* were built under the rules of Lloyd's Register of Shipping, and all machinery, appliances, etc., pertaining to these ships were also classed by Lloyd's (who were very rigid in their inspection), and all received the highest certificates of classification issued by said society.

Of course you know that Lloyd's is a British society. Owners find it necessary, owing to insurance of both ship and cargo, to have Lloyd's classification. (See page 13.)

As to the cost of the cables furnished by the builders of the *Manchuria* and *Mongolia*, we find the size to be 3½ inches, and price paid \$5.36 per 100 pounds.

I am advised by the manufacturers of these cables that the same ratio of strength and breaking strain was given to these cables as is required of the 2½-inch Government battle-ship cables.

From all this data we find that the very best anchor cables supplied to any ship built in the United States, outside of the United States Navy, cost \$5.45 per 100 pounds, the same being tested to the same breaking strain as required by the United States Navy, and as compared with this cost it has cost the Government \$13 to \$14 per 100 pounds for the same quality of cable.

It is presumable that the reply or explanation of why the Government cables cost so much more than cables made by private firms is that the material costs so much more. While in a small measure this is true, the difference in cost of material being about 2 cents per pound, sustaining this phase of the question, I find in letter of April 20, from the Bureau of Equipment, the statement that the last three contracts made during the last two years with the Monongahela Iron and Steel Company covered 2,800 tons, at \$87.36 per ton, showing that this company have sold to the Boston yard this amount of material, costing \$244,608, the price being \$4.368 per hundred pounds.

Permit me to state my belief that this excessive price is solely due to the needless specification in the chemical analysis of the material, principally relating to sulphur content.

The specification that iron shall not contain more than one one-hundredth of 1 per cent sulphur rules out practically, and, I believe, effectively, all competition, giving this company an absolute monopoly and enabling them to maintain an unreasonably high price for their iron.

I am sustained in this opinion by the following letter from the chemist at the United States navy-yard:

UNITED STATES NAVY-YARD,
Washington, D. C., March 16, 1906.

Hon. GEORGE A. LOUD, M. C.,
House of Representatives, United States.

SIR: It gives me great pleasure to be able to comply with your request in letter of the 14th instant, received last night.

Samples of chain iron from Lebanon Chain Works, marked and reported as stated below, showed the following composition:

	July 21, 1904.		Aug. 9, 1904.	
	No. 1.	No. 2.	No. 3.	No. 4.
	Per cent.	Per cent.	Per cent.	Per cent.
Carbon	0.01	0.01	0.0196	0.019
Silicon	.15	.14	.141	.131
Sulphur	.019	.018	.020	.022
Phosphorus	.061	.062	.055	.059
Manganese	.070	.075	.082	.080

a Below.

While these results do not exactly agree with the specifications it is my opinion that the iron is of very good quality. It is also my opinion that even for the best iron makers it will be a somewhat diffi-

cult proposition to always keep within the requirements of the specifications. A deviation, such as above results show, should, in my opinion, not be cause for rejection.

Trusting that this will answer your inquiry, and always ready to furnish any information which I possess and you should desire, I am,
Very respectfully, yours,

JOS. WESTISSON, Chemist N. G. F.

Permit me to call your attention further to the fact shown in your statement sent to me by the Bureau of Supplies and Accounts of bar iron purchased in the last two years that out of all the contracts made by the Department, involving over fifty tons in any contract, that out of the eleven contracts so shown eight of the contracts were made with this same firm, covering \$120,133.13, while only three contracts in two years were given to other firms, the three contracts amounting to \$15,261.45, or combining these two statements we find that in all this company has furnished iron to the amount of \$364,741.13, as against contracts to other parties amounting to \$15,261.45, and I am sure your Department will find on careful and candid investigation that this fact is solely due to the unnecessary chemical specification.

Cordage.—As to the subject of rope manufactured in the Government factory, we find that the amount of Manila rope invoiced during the year (see first item, second table, page 7, Report Bureau of Equipment) was 1,697,341 pounds, costing \$265,536.72, or 15½ cents per pound, to which 12½ per cent at least, incidental and omitted expense, should be added.

In a letter from Mr. D. W. Ross, general purchasing officer of the Isthmian Canal Commission, under date of April 27, I note that they have paid for ordinary Manila rope, 180 coils, from 10½ cents to 11 cents per pound delivered at Colon. This, I understand, would not be up to the grade of best rope made, in the ropewalk at the Boston yard, but I find an item in the same letter of 216,000 feet Manila bolt rope, tallow laid, long fiber, smooth and hard finish, at 10½ cents to 12½ cents per pound, delivered on dock at Colon.

As the price herein given includes not only the fixed charges incident to all manufacture, viz, cost of plant, deterioration, renewals, insurance, taxes, interest, and profits, but also delivery from the manufactory to Colon as well, and when we further consider that in figuring the cost of rope made by the Government that clerical work, work of the pay department, and other similar items will be found omitted in the make-up of cost, and further consider that in the item of rope the cost of material is large, and the cost of labor should be relatively small, all point to the conclusion that the cost of the Government manufacture is very excessive, in fact, unreasonably so.

The output of material in question at the Boston yard is as follows:

Anchor and chain shops, 3,408,022 pounds.....	\$422,772.59
Add 12½ per cent for omitted material and expenses.....	52,846.57

Total.....	475,619.16
Cordage invoiced, 2,632,298 pounds.....	399,433.94
Add 12½ per cent for omitted material and expenses.....	49,929.24

Total.....	449,363.18
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If bought in open market, quality being equal, there should be a saving of:

Anchor, chains, etc., 50 per cent.....	\$237,809.58
Cordage, 20 per cent.....	89,872.63

Total.....	327,682.21
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The foregoing sums up the facts, and my estimates so far as I can at this time give them, and proceeding now to your question, what I would advise being done under such conditions as are shown, my answer would be that I would surely close one or the other or both of these manufactories as an object lesson to the other manufactories maintained by the Navy Department that the cost of the product must be kept within reasonable bounds.

It is my opinion that while the hours worked under the Government are less per day than in private manufactories, and that it is universally conceded that labor is not as effective under Government management, as in private institutions, nevertheless the elimination from the cost of Government output of the fixed charges heretofore mentioned, viz, cost of plant, deterioration, renewals, insurance, interest, taxes, and profits, should make the conditions not far from even, and with such allowance and consideration of conditions it should not cost the Government any more to manufacture such material as we have in question than it would to buy in the open market, and if the cost can not be brought approximately equal, the Government should cease to manufacture the material and buy in the open market.

I am, very sincerely, yours,

GEO. A. LOUD.

It is left to the Congress of the United States to right these errors of administration. The officers of our Navy are men of very high character as naval officers, but I have never believed, and I do not now, and I say it with all respect for those gentlemen, that the school of the Navy necessarily fits an officer for the business administration of the construction department of the Navy. There is too much of routine, too much of antiquity, too much of respect for precedent, and the Navy Department of this Government that is expending on an average a hundred million dollars a year, ought to be administered by the highest type of business capacity—such men as handle the great steel manufactories; such men as handle the great railroad industries. How that can be brought about I do not know, but here is an opportunity, without any disparagement of the officers of the Navy, to introduce one reform into the administration.

I offer the following as an amendment for the pending amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Provided, That no part of said sum shall be expended in the manufacturing in any Government navy-yard of any chains, anchors, or cordage which can be obtained in the free markets of the country at a less cost than the manufacture of the same article will cost in the navy-yards by bids at the solicitation of the Department or in such other manner as the Department may choose: *And provided further*, That all such articles shall be of a standard of quality to be fixed by the Navy Department.

Mr. GROSVENOR. I hope this amendment may be agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan; and

S. 4956. An act to provide for the purchase of a site and the erection of a building thereon at Versailles, in the State of Kentucky.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4094. An act to amend section 4426 of the Revised Statutes of the United States—regulation of motor boats;

S. 2292. An act for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant;

S. 1975. An act granting an increase of pension to Mary E. Dugger; and

S. 5498. An act granting additional lands from the Fort Douglas Military Reservation to the University of Utah.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 13946. An act for the relief of Charles L. Allen.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 31.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 8948) entitled "An act granting an increase of pension to John W. Hammond."

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. VREELAND was recognized.

Mr. FOSS. Mr. Chairman, I shall move to close debate in ten minutes.

Mr. ROBERTS. Oh, I hope that motion will not prevail, Mr. Chairman.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. VREELAND. Mr. Chairman, I am now and have always been in this body opposed to the Government manufacture of articles needed by it. If this were a new proposition before the House, namely, that we should establish a plant at Boston or elsewhere for the manufacture of chains, I should be opposed to it. I should be opposed to an original proposition for the establishment of a plant by the Government of the United States for making chains, because my observation on the committee and elsewhere has led me invariably to the conclusion that it costs the Government of the United States much more to manufacture for itself than it does to buy in the market of private manufacturers.

The Government has this plant on hand. It has the plant at Boston that has been paid for and is equipped with machinery to make chains, is equipped with skilled workmen to carry on the plant.

Mr. KELIHER. Will the gentleman yield for a question?

Mr. VREELAND. I will yield to the gentleman from Massachusetts.

Mr. KELIHER. I would like to ask the gentleman if it is not a fact that it was developed in the discussion of the Army appropriation bill that the Government was forced by the powder trust to pay much more than it ought for powder, owing to the fact that there was a trust, the Dupont powder trust; and did not the chairman of the committee, the gentleman from Iowa [Mr. HULL], make the statement on the floor that if the proposition came before the House that would provide for the manufacture of powder by the Government he would vote for the proposition; and is it not likely that a similar condition might develop in this line?

Mr. VREELAND. I do not care to go off into that question, Mr. Chairman, any more than to say that where the Government finds itself confronted by a trust which puts up the price beyond a fair profit, and it finds that no competition enters to break the price, I think it would be justified in establishing a plant of its own.

I was saying, Mr. Chairman, that we have the plant at Boston, on which the Government has spent a great deal of money, equipped with the necessary machinery and with skilled workmen to carry it on. I think, Mr. Chairman, that the amendment proposed by the gentleman from Ohio, namely, that in competing for these chains in the open market the standard now fixed by the Government shall be required, makes this

amendment a proper one to be adopted by this committee. At the same time, I do not think the committee ought to have an exaggerated notion of the difference of expense in making the chains in the Government plant and in the outside market. I understand my friend from Michigan [Mr. Loud], who has given this subject a great deal of attention and who is entitled to a great deal of credit therefor—I think the difference he states to the House is a little larger than ought to be stated with due regard to the truth. I think he claims that these chains for battle ships can be bought for 6 or 7 cents a pound in the open market, but I have here a letter from the Monongahela Iron Company, which now has the contract for building chains for the Government battle ships, in which they state the contract price is 8½ cents a pound. They state, in addition to that, that they must purchase the swivels, shackles, and jew's-harps of outside parties and that they are much more expensive than the balance of the chains.

They say, in conclusion, that they do not know yet whether they can get out even on their contract with the Government for making these chains at 8½ cents. I think it is fair to state from their letter, which I will put in the RECORD, that they expect it will cost them more than 8½ cents to make these chains and complete them. Perhaps it will cost them 10 cents, and that brings it up very close to the price that it is alleged we pay for making them in the Government plant at Boston.

Mr. Chairman, the making of these chains for battle ships is not so simple a matter as my friend from Ohio [Mr. Grosvenor] would have us believe. I want to state further that my information is that the Lloyd test, talked about before the committee, is a test for the breaking strength of the chain, the tensile strength of the chain. Now, the experts on this subject say that that is not the great trouble; that chains which are made of steel and scrap iron and muck iron, as they call it, will show a very high resisting or tensile strength, but the trouble is unless they are made of first-class material, as provided by Government specifications, the chain rapidly wears away. The battle ship starts off to be gone for three or four years on the China station, and the anchor is in constant use. The chain constantly rubs away, because it is not of the quality to resist the friction, and pretty soon the battle ship finds itself with a chain much weakened and unable to stand the test.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LOUDENSLAGER. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the time of the gentleman from New York may be extended for five minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, I would like to read this letter that I have in my hand for the benefit of all the members of the committee.

Mr. VREELAND. Oh, I wish the gentleman from Ohio would wait until I am through.

Mr. GROSVENOR. Certainly; I thought the gentleman was through.

Mr. VREELAND. Unless it is something that I ought to know.

Mr. GROSVENOR. Well, it is something that the gentleman ought to know.

Mr. VREELAND. Well, perhaps when I get through the gentleman will have so much information that he will not find it necessary to read the letter. The committee having given me additional time, I desire to read this letter from the Monongahela Iron Works, which, it appears, has the contract for making these chains for battle ships for the Government. I think the information in it is such that the committee will be glad to hear it, now we are on this subject. It is as follows:

FEBRUARY 28, 1906.

HON. GEORGE LOUD,
Washington, D. C.

DEAR SIR: Your letter, with a copy of the hearing before the Naval Committee, received, in which you desire us to give you some information in regard to same.

In reply would say that we do not agree with you that good chain can be made for 4 cents per pound, as the price on the best chain iron made, both foreign and domestic, can not be had for less than 4 to 6½ cents per pound. Then add to this the cost of labor, waste in manufacture (which includes the samples made necessary for testing), and the swivels, shackles, and jew's-harps, which are more expensive in making than the ordinary links.

At present we are making a cable chain for the Government at 8½ cents per pound, but we are forced to give out the swivels, jew's-harps, and shackles to other parties to make, as it is especial work and can not be made by the same workmen. We are quoted 24 cents per pound for the labor on the swivels and jew's-harps, and we furnish the iron,

and 12 cents per pound for the labor on the shackles. This, you see, adds to the expense of the chain.

We think from our experience that no material is too good for any place where life and property are in danger, and we are sorry to say that most all chain manufacturers in this country make about 90 per cent of the chain from steel and scrap iron, both qualities of which are treacherous and dangerous and lack uniformity and reliability. We very much regret that chains are not tested and inspected the same as steam boilers are, both on land and water. We all know that it is necessary to test steam boilers, and it should be equally so in regard to chain, as we believe that more people are injured and lives lost by the use of poor chain than by all the steam boilers. In addition to the poor quality of material in chain, people use chains too long and allow them to wear away, which they naturally do, and do not replace them until they are broken. This is unfortunate and should be corrected, and a national law should be passed to prevent people using such chains that are dangerous on account of the quality and of the excessive wear on the chain when in use.

There is no comparison between the Government chain and the ordinary chain made for merchant vessels. Chains made for merchant vessels are made from material that will stand low tensile strength only, and no elongation or reduction of area or chemical analysis is required. This has been the practice for many years, and shipbuilders do not desire it changed as it will only add to the cost, and they purchase whatever is cheapest, not what is best. The chains which they purchase are made from steel or scrap iron, sometimes with an admixture of muck iron, and can be purchased very low on account of the very poor material in them.

We all know that chain iron made from more than one quality of material lacks uniformity and reliability, and it is always the case where scrap iron is used, and is more liable to break than chain made from a uniform quality of material. Chains made from steel are not uniform on account of the process by which the steel is made, as all ingots of steel have segregation in them which can not be overcome by the makers.

Anchor chains used in merchant vessels are tested by Lloyd's Association, and are only required to stand low tensile strength. Ordinary iron will answer for the test, but for actual use it is very dangerous. Shipbuilders do not want to buy what is best, but what is cheapest.

Lloyd's Association did not make out the specification for chain iron, as the writer was informed by its officers while in Europe some three years ago. This matter was left entirely to the shipbuilders.

We have bid upon chains for merchant vessels, and have lost the orders every time on account of the price and poor iron put in by our competitors.

In conclusion, we beg to state that we are now working on a process that has reduced the cost of making chain fully 50 per cent. This has been accomplished by experimenting almost continuously for over three years. The machine that shears and bends the links performs its work perfectly, and leaves very little more for the welder to accomplish. The links are sheared and formed for end welding, which is the most desirable to make, as it enables the workmen to have sufficient material for making a perfect weld, and at the same time allows him to distribute it equally on both sides of the links, thereby making uniform quality and size on both sides of the links. Side welding will not permit this, as it forces the links out of shape and changes the quality and size on the side of the links on which the weld is made.

In addition to this, there is more danger in side welding than in end welding. This has been proven by many tests made during our experience. We have sheared the iron at the angle ready for welding, and bent it for side welding. We have also sheared the iron and bent it ready for end welding, and have tested both before welding, and found that the links bent for end welding would stand double the test of those bent for side welding. This, you see, is a decided advantage—that the end welding should be the only one made. Some of the leading chain makers of the country have stated that end welding could not be made in large sizes. This is a mistake, as they have only followed the old method and belief which is practiced in Europe.

The welding by this process can be done with a less number of heats on the links, as repeated heats always deteriorate and weaken quality of all kinds of material.

On referring to the order which we have taken at 8½ cents per pound, we beg to state that we can not tell at present just what this chain will cost us, and that it may prove more or less than the price at which we took it. Nevertheless we are satisfied that it will be a perfect chain, made from the best iron, and will give the best satisfaction where safety, durability, and reliability are required.

MONONGAHELA IRON AND STEEL CO.,
R. A. CARTER, President.

Mr. GROSVENOR rose.

The CHAIRMAN. Does the gentleman yield?

Mr. VREELAND. I yield to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Chairman, I would like to ask the gentleman if this letter is not written by a gentleman who has the monopoly of furnishing the iron to the Navy Department for these chains?

Mr. VREELAND. I understand not.

Mr. GROSVENOR. I am told that he furnishes it all.

Mr. VREELAND. I understand that another firm has furnished more chains for the Government than this firm has.

Mr. GROSVENOR. I understand what the gentleman furnishes is the iron, and he has a peculiar test made which gives him the entire monopoly against the bids of everybody else.

Mr. VREELAND. That may be. I do not think it is material whether that is so or not.

Mr. GROSVENOR. I do not think it is, but I want to get at the facts.

Mr. VREELAND. Now, Mr. Chairman, we can hardly assume that the tests made by the Navy Department are made for any other purpose than that of obtaining chains which are proper for use upon battle ships. It is certainly the case that when we build a battle ship worth seven, eight, or nine million dollars, when we put seven or eight hundred men in it, we want

the very best chain and anchor that can be built by human skill. I call your attention to another difference between battle ships and merchant vessels. The merchant vessels nearly always go to docks, and they are tied up there, whereas your battle ships always anchor out in the open roadstead, and therefore have to have a stronger chain and one that will stand a great deal of use and a greater test than those in use in the merchant marine. Now, Mr. Chairman, I believe that with the amendment proposed by the gentleman from Ohio, that these chains must come up to the test as fixed by the Navy Department, it is proper to adopt this resolution. If the Navy people in charge of the plant at Boston, furnished with complete equipment, furnished with a plant free of cost, charged with nothing but the material that goes into the chain and with the labor that makes it—if with all those advantages they can not make the chain as cheap as we can buy it in the market, then I am free to say I am willing to go into the open market and buy it. [Applause.]

I will print as part of my remarks the following letters:

NAVY DEPARTMENT,
Washington, May 9, 1906.

SIR: My attention has been called to an amendment proposed by Mr. LOUD, as it appears in the CONGRESSIONAL RECORD of May 8, 1906, on page 6728, which would, in the bill, on page 15, in line 7, after the word "navy-yards," insert: "Provided, That anchors, chains, and cordage shall be purchased in open market, unless all or any part of such material can be manufactured at equal or less cost in the Government shops."

In this connection I beg to inclose—

First, A communication addressed to the Department by the Chief of the Bureau of Equipment, May 9, 1906.

Second, Letter, February 28, 1906, from the Monongahela Iron and Steel Company to Hon. GEORGE LOUD.

Third, Several other letters in connection with this matter, beginning with the one addressed to Mr. Carter by the manager of the Monongahela Iron and Steel Company.

The question of the enactment of this amendment into law is one that affects the general policy of the Government with reference to its navy-yards in all parts of the country, and that is whether or not the Government shall manufacture anything which can be manufactured at equal or less cost by private enterprise.

The Government never has nor can it manufacture in small quantities articles of equipment such as mentioned in this amendment at a price to compete with corporations which manufacture but one article alone, and that in large quantities; but up to the present time Congress has deemed it wise that the Government should be in position to manufacture these and similar articles itself if at any time the combinations in regard to price by the manufacturers should become oppressive, and the fact that these shops of the Government are in existence certainly tends to prevent improper charges by manufacturers for articles which the Government can itself manufacture.

A careful reading of the letter addressed to Mr. LOUD by the Monongahela Iron and Steel Company will indicate, in a measure, the reasons why chain is more expensive under Government specifications than elsewhere, and I believe that you will realize that no reasonable requirements can be too great for the chains and anchors which, under stress of weather, may be required to save the lives of, say, 900 officers and men and six or seven million dollars' worth of Government property. I sincerely hope that Congress will approve of the great care and caution exercised by the officers of the Navy Department to secure for the Government the greatest possible factor of safety in the manufacture of materials above mentioned.

I have the honor to be,

Very respectfully, yours,

TRUMAN H. NEWBERRY,
Acting Secretary.

HON. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
United States House of Representatives,
Washington, D. C.

DEPARTMENT OF THE NAVY, BUREAU OF EQUIPMENT,
Washington, D. C., May 9, 1906.

SIR: 1. The Bureau notes from the CONGRESSIONAL RECORD, containing the proceedings of the House of Representatives of May 8, on page 6728, there was introduced by Mr. LOUD an amendment to the appropriation "Equipment of vessels," under this Bureau, which amendment was afterwards modified by an amendment submitted by Mr. GROSVENOR providing "that no part of said sum shall be expended in the manufacture in any Government navy-yard of any article which can be obtained in the free market at a less cost than the cost to manufacture in such navy-yard."

2. This amendment has been brought forth by consideration of the question of cost to manufacture anchors and anchor cables and their appurtenances at the Boston Navy-Yard, which has been the subject of general discussion, the Bureau understands, since the naval bill was originally reported.

3. So far as this Bureau is aware, the claim has not been made, nor is it believed that it has ever been claimed, that anchors and chains can be manufactured by the Government as cheaply as they may be manufactured by outside commercial institutions; nor is such a claim made by this Bureau with regard to any other articles of ship's equipment that are manufactured in navy-yards, when the question of cost only is considered. The Bureau does claim, however, that, considering the quality of articles manufactured in navy-yards, which must be maintained at any cost (this is especially true with regard to anchors and anchor cables, upon which the safety of the ship and her crew depends), the Government can produce any article for which it has facilities at as low a cost, if not lower, than they can be produced in commercial establishments.

4. The effect of the proposed amendment would be disastrous to the manufacturing plants at all of the navy-yards, so far as the Bureau of Equipment is concerned, and will make it necessary for the Bureau to go into the market to buy the articles that it now manufactures, with the result of a marked depreciation in quality, and what will ultimately result in a considerable loss to the Government, if not in disasters of great magnitude, resulting from defective anchors or cables.

5. As bearing on the subject of the relative cost to manufacture anchor cables in the Government and in private establishments, the

Bureau forwards herewith copy of a letter written by Mr. R. A. Carter, president of the Monongahela Iron and Steel Company, of Pittsburgh, Pa., one of the large establishments manufacturing chain cables in this country, to the Hon. Mr. LOUD. It will be noted that Mr. Carter states in this communication, in paragraph 3, that they are manufacturing chain cables for the Government at 8½ cents per pound, and that they were forced to give out the manufacture of the swivels, etc., to other parties.

The Bureau incloses another communication from the Monongahela Iron and Steel Company to Mr. Carter, showing the difficulty encountered by that concern in getting these swivels and shackles manufactured.

If the Navy is required to depend on private establishments for its equipment, and especially its chain cables, it is not difficult to see what may be expected. The comments in this communication are commended to you for your earnest consideration.

The Bureau hopes that no effort will be spared to cause the rejection of the proposed amendment.

Very respectfully,

WM. S. COWLES,
Chief of Bureau of Equipment.

THE SECRETARY OF THE NAVY.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa., April 26, 1906.

R. A. CARTER,
President, Monongahela Iron and Steel Company,
Pittsburg, Pa.

DEAR SIR: Referring to your request for information as to what has been done regarding our efforts to get the swivels, shackles, etc., for the 2½-inch cable chain which we are making for the United States Navy Department, on contract No. 7918, would advise we took the matter up with C. E. Dixon & Son, of this city, last December, and they quoted us price of 10 cents and 16 cents per pound, respectively, for shackles and swivels, which we accepted, but they, after examining the B/P's which we submitted, concluded the work was too heavy for them, and refused to go any further with it; then under date of January 17, wrote Bradlee & Co., of Philadelphia, Pa., and they replied, "we were not in position to make." We then wrote William Barker & Son, of Cuyahoga Falls, Ohio, under date of January 24, and in reply they quoted us, respectively, 10 cents and 20 cents per pound for shackles and swivels, and we accordingly submitted B/P's, and their letter of February 5 states, after examining drawings they could not start making them under sixty days, and we replied the time required was too long. After these failures we learned through Mr. R. Zirpel that the M. H. Treadwell Company, of Lebanon, Pa., could make shackles, swivels, etc., and we immediately wrote them after receiving this information, under date of March 1, and they answered March 2, quoting us 9½ cents per pound for shackles, middle swivels 22 cents per pound, swivel shackles 22 cents per pound, and jew's-harp bending shackles 9½ cents per pound, and promised to complete within three to four weeks. We wrote them March 3, accepting these prices, also asking them to specify sizes they would require, which they did under date of March 6, and specified 32 hammered slabs averaging 9 inches wide by 6 inches thick by 18 inches long, which necessitated our rolling special iron, and same was submitted to the United States Engineering Department for testing and was accepted by them, and then shipped 9,528 pounds of 1½ inches square to the Cleveland City Forge and Iron Company, to forge into blooms required by the Treadwell Company, and may also say at an extra cost of 2 cents per pound, with freight both ways to Cleveland, and also same to Lebanon. In the meantime we rolled the few other sizes required, and considered we were out of our troubles, when we received a letter from the Treadwell Company, under date of March 31, saying their only smiths capable of doing this work were offered considerably more money than they could afford to pay, and then left their employ at once.

I learned from good authority that the man who took the smiths from Treadwell & Co. was Mr. Eli Atwood, of Lebanon, Pa., who some way or other learned that the Treadwell company had taken the contract to make the swivels, etc., for us, and immediately proceeded to hire the smiths at \$5 per day, which he (Atwood) tells as follows: "I found out that the Treadwell people had contracted with the Monongahela Iron and Steel Company to make their swivels, etc., so I just sent my man over to see them and to offer them \$5 per day each if they would come to work at my factory the following morning, so as to put the Monongahela against it, and the smiths accepted."

This method of doing business may be all right according to the Atwood standard, as he certainly has attained his end in this case, and it certainly has caused us great delay, with no immediate prospect of relief.

We wrote Treadwell & Co., asking them to give us names of firms that could make the swivels, etc., in question, and they mentioned Bradlee & Co., of Philadelphia (with whom we had previous correspondence), and the writer made a special trip East to get the work done, but was entirely unsuccessful. I visited the Atlantic Works, of East Boston, April 16, and they positively refused to do the work; also the Boston Forge Company, although prevailed upon Mr. Copeland, the manager, to accompany me to the Boston Navy-Yard and see the process of manufacture, but could not get him to do the work, although I impressed upon him it was not a matter of price. I learned in Boston of Mr. Conlin, foreman for Bradlee & Co., of Philadelphia, who could likely put me in touch with some firm, and called upon them the 18th instant with no result.

Appended you will find copies of correspondence with the various parties in question, and have done everything in our power to get the swivels, etc., made, but are unable.

Under the circumstances, I think it would be best for us to place the matter of making the swivels, etc., before the board, with a view of getting them made at the Boston Navy-Yard, as they have all the necessary tools and apparently nearly all the skilled workmen. It would be a very small matter for them to make the few swivels, shackles, etc., that we require and would be of great service to us, if the board should consider our request favorably, and of course we would pay whatever price is agreed upon. Could you arrange to visit the board and put our case before them?

Yours, respectfully,

MONONGAHELA IRON AND STEEL CO.
W. C. JOHNSTON.

JANUARY 17, 1906.

MESSRS. BRADLEE & CO., Philadelphia, Pa.

GENTLEMEN: We would greatly appreciate your quoting us price for making 24 connecting shackles, 8 middle swivels, 4 swivel shackles,

and 4 straight bending shackles for the 2½-inch cables which we are now making in accordance with Government requirements, we to furnish the iron after it has passed inspection at our mills for the above.

If you can not make us the connecting shackles, we could get these made elsewhere, but would prefer to have you make all and hope you can arrange to do so for us.

Your early reply will oblige,
Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

PHILADELPHIA, PA., January 18, 1906.

MONONGAHELA IRON AND STEEL COMPANY, *Pittsburg, Pa.*

GENTLEMEN: Replying to your favor of the 17th instant, we very much regret our inability to quote you on the shackles, swivels, etc., for the 2½-inch chain.

Our capacity for special forgings is very limited, and we have now so much work on hand and booked ahead for our regular trade that we could not possibly undertake this.

Yours, very truly,

BRADLEE & CO.

JANUARY 24, 1906.

Messrs. WILLIAM BARKER & SON,
Cuyahoga Falls, Ohio.

GENTLEMEN: We learn from Mr. Powers, of the Seneca Chain Company, that you are making swivels and shackles for them, and we shall be pleased to have you quote us a price for making twenty-four shackles, eight middle swivels, four connecting swivels, and four jew's-harps for 2½-inch chain cables that we are to make for the United States Navy Department.

The iron will be inspected and tested at our works, and we wish you would name us a price for the work only, as we will prepay the freight to Cuyahoga Falls, and you can return it freight collect.

If you can do the work, we shall be pleased to forward you blueprints showing details of shackles, etc.

Please answer at once, and oblige,

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

CUYAHOGA FALLS, OHIO, January 29, 1906.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa.

GENTLEMEN: We have your inquiry of the 24th instant at hand, and will say we can make the shackles for 10 cents per pound and the common swivels at 20 cents per pound, and if you will kindly send me drawings of the other swivels, etc., will name you a price on same.

Thanking you for the inquiry and trusting we will receive a part of your work at least, we remain,

Yours, truly,

WM. BARKER & SON.

JANUARY 31, 1906.

Messrs. WILLIAM BARKER & SON,
Cuyahoga Falls, Ohio.

GENTLEMEN: Yours of the 29th instant received, and send herewith drawings for shackles, etc. We shall require for the four chain cables, twenty-four connecting shackles (drawing 3995-25), eight middle swivels (drawing 3631-31), four swivel shackles (drawing 3630-31), and four jew's-harp bending shackles club and links (two drawings, 3875-25), and shall also require for testing one extra swivel and one extra shackle, and we will notify you as soon as the United States Navy inspector tells us which he will want.

We wish you would figure on size of iron wanted for each lot, and we will add one-sixteenth inch to iron we propose to send, as it will waste more or less in heating and working.

Our chain factory superintendent, Mr. C. Fellenbaum, will call on you and tell you anything he knows about making swivels, etc., if you so desire.

Let us hear from you in reply as soon as possible, and oblige,

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

CUYAHOGA FALLS, OHIO,

February 5, 1906.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa.

GENTLEMEN: In looking over the blueprints sent us by you, we find the swivels altogether different from what we are making for the Seneca Chain Company, of Kent, Ohio, and as we would have to make dies to form the different parts, it would be at least sixty days before we could start them, as we now have enough to run us that long, and which we must get out.

Trusting we have not put you to any delay, we remain,

Yours, truly,

WM. BARKER & SON.

FEBRUARY 6, 1906.

Messrs. WILLIAM BARKER & SON,
Cuyahoga Falls, Ohio.

GENTLEMEN: Yours of the 5th instant received, and we regret to learn that you can not commence making the swivels and shackles before sixty days. It is impossible for us to wait that long, as our contract expires in about thirty days, and we must get them sooner.

Please return us the blueprints at once, and oblige,

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

MARCH 1, 1906.

Messrs. M. H. TREADWELL & Co.,
Lebanon, Pa.

GENTLEMEN: We have learned incidentally that you are forgers of shackles and swivels for large chains, and would ask you to kindly give us a price for forging twenty-four connecting shackles, eight middle swivels, four swivel shackles, and four jew's-harp bending shackle club and links for 2½-inch cable. We are making four cables for the United States Navy Department, and would furnish you the iron f. o. b. Lebanon, you to return forgings to us freight charges collect.

Kindly advise us price per pound that you would furnish these forgings for, as it is very likely you know just what is required, as you have made plenty of them heretofore.

Your early reply will oblige.

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

LEBANON, PA., March 2, 1906.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa.

GENTLEMEN: Your letter of the 1st instant received relative to shackles and swivels, etc. We are right in that line and are making a great many of them from time to time.

We could furnish same at the following prices:

Twenty-four connecting shackles, 9½ cents a pound.

Eight middle swivels, 22 cents a pound.

Four swivel shackles, 22 cents a pound.

Four jew's-harp bending shackles, 9½ cents a pound.

All for 2½-inch cable, you to furnish the iron suitable for this work f. o. b. our works; our price is f. o. b. our works for the material complete. In case the iron breaks in testing you will have to reimburse us for replacing same, and you must also furnish the iron. If the break should occur at a weld we will fix same up at our expense.

If these prices are satisfactory, and you send us the order, we should have sketches or blueprints of what you require. We understand that these shackles and swivels are one-quarter inch heavier than the chain.

We could commence work as soon as we receive the iron, and probably complete them in about three or four weeks.

Yours, very truly,

M. H. TREADWELL & Co. OF PENNSYLVANIA,
JOHN HUNSICKER, Treasurer.

MARCH 3, 1906.

Messrs. M. H. TREADWELL & Co. (INCORPORATED),
Lebanon, Pa.

GENTLEMEN: Your favor of the 2d instant received, and we accept prices for forging the swivels and shackles, and send herewith blue prints covering same. You will let us know the size of material you will require for making the different forgings, and think it would be better if you add one-sixteenth inch to the finished size to allow for waste in making.

We shall require one extra shackle and one extra swivel which must be tested to destruction, but can not tell you just yet which one of the swivels the Government inspector will choose, but will explain the situation and ask him to designate what swivel he wants.

The minimum break for the cable is to be 443,000 pounds, and 5 per cent greater for swivels and shackles, which will bring the minimum breaking strain up to 465,000 pounds for the shackles and swivels. We assume you know a great deal more about it than we do, but think the welds will have to be brought around as if the eyes were punched in the solid iron and the shanks worked down; are doubtful if it would stand the high strain.

Kindly let us hear from you at your very early convenience, giving us sizes required, and we will make partial shipment so as not to delay the work.

Thanking you for prompt attention, we remain,

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

LEBANON, PA., March 6, 1906.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa.

GENTLEMEN: Your letter of the 3d instant received, containing order for swivels and shackles covered by your B/P, as follows:

Twenty-four connecting shackles.

Eight middle swivels.

Four swivel shackles.

Four jew's-harp bending shackles, club, and links for 2½-inch cable.

You also state there will probably be one or two that will have to be tested to destruction, and will have to make extra ones for that purpose. Kindly let us know by return mail how many of each kind we shall make extra for testing to destruction.

It will require the following iron for twenty-four connecting shackles:

Twenty-four pieces, 3½ inches round by 4 feet 9 inches long.

Twenty-four pieces, 4 inches round by 12 inches long.

Twenty-four pieces, five-eighths inch round by 8 inches long.

For the bending shackles:

Four pieces, 9 inches by 6½ inches by 26 inches.

Four pieces, 9 inches by 4 inches by 12 inches.

Four pieces, 4½ inches by 2½ inches by 19 inches.

Four pieces, 3 inches by 2 inches by 15 inches.

For eight swivels:

Eight pieces, 4½ inches by 9 inches by 15 inches.

Eight pieces, 6 inches by 9½ inches by 13½ inches.

Eight pieces, 1½ inches by 2 inches by 16 inches.

For the combination shackles and swivels:

Four pieces, 4½ inches by 9 inches by 15 inches.

Four pieces, 6 inches by 9½ inches by 18 inches.

Four pieces, 3½ inches round by 12 inches.

Four pieces, 1½ inches by 2 inches by 16 inches.

Whatever kind you will want to test to destruction you will have to ship the additional iron along accordingly.

M. H. TREADWELL & Co. (INCORPORATED).

MARCH 7, 1906.

M. A. TREADWELL & Co.,
Lebanon, Pa.

GENTLEMEN: Yours of the 6th instant received, and in reply would advise that the iron will be inspected here by the Government inspector prior to shipment, and this will be final as regards tests.

The specifications call for one connecting shackle and one swivel, whether a swivel shackle or a middle swivel we do not know, but will find out definitely, and only one of each is required to be tested to destruction to pass the entire lot.

We will endeavor to get the iron for the connecting shackles, twenty-five pieces of each, as per your requisition, out first, and for the others we shall have to get hammered slabs for six of the sizes for bending shackles and swivels, and will place this in the hands of the forge at once.

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

MARCH 31, 1906.

CLEVELAND CITY FORGE AND IRON COMPANY,
Cleveland, Ohio.

GENTLEMEN: We have shipped you in C. & N. W. car No. 33246, eighty-five bars 1½ inches square billets, weight 9,528 pounds, which

have passed Government inspection here and which you will please forge into—

Four pieces 9 by 6½ by 2 feet 2 inches.
Four pieces 9 by 4 by 1 foot.
Eight pieces 9 by 4½ by 1 foot 3 inches.
Eight pieces 9½ by 6 by 1 foot 1½ inches.
Four pieces 9 by 4½ by 1 foot 3½ inches.
Four pieces 9½ by 6 by 1 foot 6 inches.
Four pieces 4½ by 2½ by 1 foot 7 inches.
Four pieces 3 by 2 by 1 foot 3 inches.

Applying on order of the 19th instant.
We have notified the Bureau of Equipment that we have forwarded this material to you for forging on account of U. S. A. contract No. 7918.

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

LEBANON, PA., March 31, 1906.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa.

GENTLEMEN: We regret to have to advise you that we shall not be able to make the shackles and swivels covered by our correspondence the first of this month.

We to-day learned that the only smiths we had who were capable of making this class of work have been offered considerably more wages than we could possibly afford to pay them. This leaves us without competent men to put upon such high-grade forgings. Under the circumstances we are forced to ask you to cancel your order.

Yours, very truly,

M. H. TREADWELL & CO., OF PENNSYLVANIA.

W. E. FARRELL,

Vice-President and General Manager.

APRIL 2, 1906.

M. H. TREADWELL & CO., OF PENNSYLVANIA,
Lebanon, Pa.

GENTLEMEN: Yours of the 31st ultimo received, and we are greatly surprised to learn that you are unable to make the shackles, etc., as the iron to forge into sizes you gave us is now in process of manufacture and the other sizes have been passed by inspector and ready for shipment.

Kindly give us the names of some other manufacturers of this class of material, as we are behind in our contract now and this means a greater delay.

Your prompt attention will oblige.

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

LEBANON, PA., April 3, 1906.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa.

GENTLEMEN: Replying to your favor of the 2d instant, we regret that we can not tell you positively who can make the shackles and swivels for you, but we believe that Bradley & Co., of Philadelphia, Pa., can make them, and possibly the American Iron and Steel Manufacturing Company, of Lebanon, Pa.

Yours, very truly,

M. H. TREADWELL & CO., OF PENNSYLVANIA.

APRIL 6, 1906.

M. H. TREADWELL & CO.,
Lebanon, Pa.

GENTLEMEN: Please return all B/P furnished you for the shackles, swivels, etc., that you are not in position to make, and oblige.

Yours, very truly,

MONONGAHELA IRON AND STEEL CO.

LEBANON, PA., April 7, 1906.

MONONGAHELA IRON AND STEEL COMPANY,
Pittsburg, Pa.

GENTLEMEN: In compliance with your request of the 6th instant we are inclosing herewith B/P's 3631-31, 3630-31, 3995-25, and 3875-25, showing large swivels and shackles, etc.

Yours, very truly,

M. H. TREADWELL & CO., OF PENNSYLVANIA.

Mr. FOSS. Mr. Chairman, I move to close debate on this paragraph and amendments in ten minutes.

Mr. OLMSTED. I would like to have five minutes of that time.

Mr. ROBERTS. There is a new point that has been brought out by the amendment to the amendment of the gentleman from Ohio which is an entirely new point in regard to the whole question, and I would like five minutes at least to point that out. Make it half an hour.

Mr. FOSS. I will make it half past 3.

The CHAIRMAN. The gentleman from Illinois moves that debate upon the pending paragraph and amendments thereto be closed in twenty-five minutes.

The question was taken; and the motion was agreed to.

Mr. McNARY. Mr. Chairman, I desire to say I think that motion is an unfair motion, even though it has been carried. The gentleman from Illinois, the chairman of the committee, and practically nobody but members of this committee have been allowed to say a word upon this matter, and yet now, when the time comes when somebody else desires to say something on the subject, they put up a time limit on debate; but let me in the short time I have call the attention of the House to the fact that again and again, through Admiral Manney's testimony on anchors, on wire rope, on chains, and on cordage, he stated that the quality made in the Boston Navy-Yard was superior to any manufactured outside, and that the outside prod-

ucts could not meet the Navy Department's tests. Now, in relation to those chains which have been specified on Pacific liners by the gentleman from Michigan and the gentleman from Ohio, let me read on page 393 of Admiral Manney's testimony:

Mr. ROBERTS asked the Admiral if he could not get any end-weld chains made outside, and Admiral Manney replied:

Not on the larger chains. There are other points about the chain cables. The Boston chain, as I said, is of the highest-grade iron; it is better iron than is put in commercial chains. Much of the latter is unsuitable. Such chains are unduly heavy and liable to accident. The cables of the Pacific liners of which I spoke are, I believe, the largest ever made in this country—3½ inches; cost, \$0.543 per pound. There is no machine in the United States that can test that cable for strength if it is of the best cable iron. It is safe to say that it has never been tested. These chains would not meet the Navy Department specifications. The increase of weight above that of the largest navy cable is for two cables 34,000 pounds (17 tons), which would have to be paid for at whatever the price per pound might be. Such weight is objectionable in a battle ship, because, as she carries from three to four cables, the unnecessary weight would bar out from 25½ to 34 tons of armor, ammunition, or coal. Two cables, the least number a merchant ship would carry, would have an unnecessary weight of 34,000 pounds, which would have to be paid for at the rate of 5½ cents per pound at least. High-grade chain of a smaller size costs even more per pound than the larger cable. The latest contract made by the Bureau for 2½-inch chain is with a Pittsburg firm for 8½ cents; 2½-inch chain at Boston costs between 9 and 10 cents.

Mr. ROBERTS. Are you familiar with the size and quality of the chain that Mr. LOUD says is sold in the markets at 4 cents?

Admiral MANNEY. I do not know of first-class chain cables of first-class iron at such a price. The Lawson's cables and those of Hill's Pacific Line are more than 3 inches in diameter, larger than the navy chain cables. I am sure they cost more than 4 cents a pound. The Minnesota's, of that line, cost 5.43 cents per pound. I believe the statement that "the very best chain that can be bought in this country for use in the highest class ships is for about 4 cents per pound," is in error.

I submit, in consideration of the quality of the chain required for naval purposes, it ought to be manufactured in the Government yards, as is clearly proven by Admiral Manney's statement in reply to questions of the committee on pages 387 and 388, as follows:

Mr. LOUDENSLAGER. Now, you say that the contract work is not as good as that done in the yard?

Admiral MANNEY. Contract work that we have had done from the Lebanon Chain Works has shown up upon test to have the strength necessary to pass it. The method of welding the links is inferior to that employed at the yard. The yard uses the end weld; in the large commercial chains purchased the side weld is employed. This is objectionable, as the two sides of the link are then not symmetrical in strength. The part of the link which has been oftenest heated and pounded has not the same texture as the other part.

Mr. LOUDENSLAGER. Does your test show inferiority in the manufacture of chains?

Admiral MANNEY. The breaks show where the weakest part is, and the links having the end weld have been found the stronger.

Mr. LOUDENSLAGER. Will they not weld them at the end if you demand it?

Admiral MANNEY. No; they state that they can not. It would increase the cost.

And further on the same page he replied as follows:

Mr. LOUD. I find in the last report that when they were short last year they went outside and bought large chains. They can be bought outside?

Admiral MANNEY. Those chains were made by contract. They were 2½-inch cables. The method of making was inferior to the Government method, because a side weld was employed. The contractors would not undertake to make an end weld, and never have made an end weld; specifications had to be waived on the manufacture and material.

A similar statement in regard to the superior quality and price of manila rope as well as chains made in Government yards is made by Admiral Manney on page 389, in response to questions by the committee, as follows:

Mr. RIXEY. I understood you to say in the first part of your hearing that these chains were made at the Boston yard by the Government cheaper than outside.

Admiral MANNEY. Cheaper, in one sense, than can be bought outside and better finished—more durable. The 2½-inch cables made in Boston cost 9½ cents per pound; the same sized cable made by contract costs 9½ cents per pound.

Mr. RIXEY. I understood you to say "cheaper and better."

Admiral MANNEY. I did. Commercial chains to be equally strong will cost almost as much as the Government-made chain, and can not be expected to be as serviceable. The rope also is cheaper and better than private-made rope.

Mr. RIXEY. You say now that you make the rope cheaper?

Admiral MANNEY. We make all kinds of rope—wire, hemp, and manila. Our rope we consider better than outside rope. We know what it is. Quality considered, it is cheaper.

Mr. RIXEY. You say now that you can make rope cheaper than outside?

Admiral MANNEY. Of the same quality; yes.

Mr. RIXEY. Why is it that you can make rope cheaper than outside, but can not make the chains?

Admiral MANNEY. We buy material in each case. The rope is machine made; the chain cables are made by hand. They are especially heavy, difficult, and expensive to handle. Handmade articles are more expensive than similar ones made by machinery. The best chain iron in the market is bought to make cables. It is expensive, not only because of quality, but because of high cost of transportation. As to ropes, only the very highest grade of hemp and manila is bought by the Navy, and it is carefully inspected. Much of the manila and hemp that is sold in the market is not of the first quality, and especially is that the case with manila. The grade of manila used in the Boston-made rope is not put in commercial rope nor quoted unless "special grade" is asked for. Under the circumstances the ropes made at the

Boston yard are believed to be superior, but although the material is of the best, freight and handling do not cost so much.

Mr. RIXEY. Still, Admiral, I do not see that that is a reason why you can make the rope cheaper and yet can not make the chain cheaper.

Admiral MANNEY. A principal reason for that is, as I stated, that the making of the rope is done by machinery and the making of the chain cables is hand work, and labor is expensive in the United States, and especially expensive in navy-yards. The difference of cost between the iron used for cables at Boston and that used in commercial cables is greater than the difference in cost between rope material used by the Government and private makers; also, there is a greater proportionate amount of labor employed in making cable than in making rope.

Also a similar statement in regard to wire rope, on page 384, as follows:

Mr. VREELAND. Are you making wire rope?

Admiral MANNEY. Yes, sir.

Mr. VREELAND. Where?

Admiral MANNEY. Boston.

Mr. VREELAND. Are you buying your wire rope, too?

Admiral MANNEY. No; we have not bought any wire rope, except possibly some special rope in an emergency.

Mr. VREELAND. Do you think you can manufacture it as cheaply as you can buy?

Admiral MANNEY. Cheaper, when quality is considered.

Mr. VREELAND. That is taking into consideration the investment in your plant. You do not take that into account, do you?

Admiral MANNEY. We consider it.

Admiral Manney also makes a similar statement as to anchors, on page 386, as follows:

The larger anchors made for the Government by outside parties are cast; the anchors made in the yard are of wrought iron. When you compare commercial anchors with chains or anchors made in the yard you are comparing cast with wrought metal. The heavy anchors which are made outside are of cast steel.

It is admitted that the cost of manufacturing in the navy-yard is somewhat higher. The reason for this is set forth in the Admiral's testimony, on page 388, as follows:

Admiral MANNEY. The labor is paid differently. In the private shops labor is paid by the hour, and in the naval shops the labor is paid by the day; and then there are allowances for leaves for employees that enormously increase the cost over what private establishments would have to pay. However, the cost of 2½-inch cables at Boston is 9½ cents, and the cheapest contract chains yet received of the same size, 9½ cents.

Therefore, if you propose to adopt this amendment, you are going to substitute lower standards. Now, let me point out that the last amendment, as offered by the gentleman from Ohio, puts the Department in this position, that if it is adopted it will close up the Government yards on the lines of material specified, because it provides that the Government can not manufacture unless they shall ask for bids, receive them, open, and award contracts and then receive and test the material. The Government must do all that, and it is only when that material can not be purchased lower than the present price of manufacture in the Government yards that the Government can proceed to manufacture at all. In other words, the amendment would close up the Government yard as far as manufacturing its own equipment is concerned, until the Government had received the bids.

Mr. LILLEY of Connecticut. It only refers to chains and anchors.

Mr. McNARY. Not originally. It was a general amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McNARY. Mr. Chairman, I ask for a few minutes more.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McNARY] asks unanimous consent to continue his remarks. Is there objection?

Mr. OLMSTED. I have no objection to that, Mr. Chairman, except I have a word to say on the subject, and I know that members of the committee want opportunity to say something, and do not want to be cut out.

Mr. McNARY. Mr. Chairman, it is not my fault that they have not had an opportunity to speak. I will only take a few minutes, however. I want to say that the debate started originally on chains and anchors. Then it was made under the amendment, if I read it aright, to include everything in the way of equipment manufactured in the Government yards.

Mr. GROSVENOR. It is fair to the gentleman to say that the amendment has modified—

Mr. McNARY. This is coming out of my time, and I can not afford it. If I had the time I would hear the gentleman. I say that under the original amendment of the gentleman from Ohio the Government can manufacture nothing, but must wait until it receives bids and tests the quality of the purchases. As modified it means to close up the Government yards on every article included in that amendment, and leaves it to the mercy of the private manufacturers to put up the price to any point they please after the Government yards are closed. Even if the private manufacturers bid low at first, experience teaches that when they have succeeded in closing the Government shops up will go the price and down will go the quality. This amendment means, if adopted, the closing of the shops at Boston, equipped at an expense of \$103,000, and with additions and

maintenance costing \$56,000 more, and the dispersal of the trained force of skilled workmen who now turn out the finest goods made in this country.

Mr. OLMSTED. Mr. Chairman, I desire to say a few words upon this subject. The gentleman from Michigan [Mr. LOUP] has referred to the fact that in the past some of the orders of the Government for chains have been filled by the Lebanon Chain Works. My friend from Tennessee [Mr. GAINES] has made the assertion that these chains are made by a trust, and that if this amendment should be adopted the trust will put up the price to any figure it pleases. Now, Mr. Chairman, if there is anything on earth that is not a trust it is the Lebanon Chain Works. It has but a single plant and is not connected with any other. It does not own or control any other corporation and no other corporation owns or controls it. This concern operates rather in opposition to any and every trust. As I understand it, the bill as it now stands would prevent the Government from buying chains from the Lebanon Chain Works. The amendment of the gentleman from Michigan, if adopted, will permit the purchase of chains from this concern, provided it shall, as in the past, underbid its competitors. The gentlemen from Massachusetts who so strenuously oppose this amendment naturally desire to have the chains all manufactured at Boston, but what kind of a place is Boston to make iron or the products of iron as compared with Lebanon?

The Lebanon Chain Works are located within 5 miles of the famous Cornwall ore banks, and they are not owned or operated by any trust, either. They stand out there most strikingly in the midst of one of the most beautiful and fertile valleys in the world. The view from the summit reminds me something of the view from Stirling Castle. Then, again, these works are almost within sight of splendid limestone quarries and within 30 or 40 miles of the finest anthracite coal. I have not a dollar's worth of interest personally either in the ore banks or in the chain works, but I know something about them.

In these works the making of chains is a specialty, and they are admirably adapted to that purpose. Reference has been made here to the relative merits of side weld and end weld. Well, the Lebanon Chain Works can make side weld, end weld, or any other weld that anybody desires. They can produce as good chains as any other factory on earth. If I am not mistaken, they have turned out the longest and largest chain ever produced anywhere. I have seen it so stated. They have the best known chain-testing apparatus. The chains they have heretofore made for the Government have passed every Government test, and secured by chains from the Lebanon Chain Works the largest man-of-war may securely rest at anchor anywhere, either in or outside the harbor.

The laboring population of Lebanon is as sober, industrious, intelligent, and competent as can be found. The Lebanon Chain Works has no watered stock upon which to pay dividends; and with all these advantages can, of course, produce chains more cheaply than they can be produced in Boston. No private purchaser would think of going past Lebanon to Boston to buy chains. The item of freight alone in hauling the ore from the mines to Boston and the chains from Boston to the place where they are to be used would be very considerable. If the Government can buy chains cheaper at Lebanon than anywhere else, sound business economy requires that it shall not be deprived of that advantage.

Mr. RIXEY. Mr. Chairman, the anchors and chains made for the use of the Navy are made in the Boston Navy-Yard. The effect of this amendment, if it is adopted, will be to stop the work in the Government navy-yard until it can be ascertained at what price the private factories will furnish these chains.

Mr. LILLEY of Connecticut. It does not affect anything but the chains?

Mr. RIXEY. It would stop everything that the amendment proposes to affect. Now, I can not yield just at this moment.

Mr. VREELAND. Will the gentleman allow me to ask him one question?

Mr. RIXEY. After a moment, but not now.

Mr. Chairman, as I understand it, the result would be that possibly for the first year the private factories would underbid the Government in actual cost. The private factories could afford to make the chains for the first year or the first two years or the first three years at 50 per cent of their actual cost in order to force the Government out of the work. The effect of this amendment, if it prevails, will be to break up the manufacture of these chains at the Government navy-yard at Boston—not because they can be manufactured at less price, but because it is to the interest of the private factories to drive the Government out of the work, even if the private factories lose money for the first year or two.

Mr. GROSVENOR. I would like to ask the gentleman this question: If this bill goes into effect, it will not go into effect for sixty days. Can not the Government advertise for bids in sixty days to find out whether we can make a log chain?

Mr. RIXEY. I have not time to reply to that at present. The effect of the adoption of this amendment can be seen when you understand the case to which the gentleman from Connecticut [Mr. LILLEY] referred some time ago. He asked what analogy the purchase of powder had to the purchase of chains. I will tell him what it has. The Government has a very small factory at Indian Head. It can make 20 per cent of the powder the Navy uses, and it is compelled to buy powder from the private factories.

Mr. LILLEY of Connecticut. Mr. Chairman—

Mr. RIXEY. I can not yield.

Mr. LILLEY of Connecticut. The gentleman quotes me.

Mr. RIXEY. If I can have additional time I will yield. The Government can only make 20 per cent of the powder we use and is compelled to go into the market to get the balance of it. While it costs at Indian Head 60 cents a pound, it costs to buy powder from the private factories 74 to 75 cents, and this committee yesterday refused to reduce it to 65 cents.

Stop the work at the Boston yard, put it out of the power of the Government to make its own chains, and you will be, in regard to chains, where we are to-day with reference to powder—at the mercy of the private factories. Just as soon as you take from the Government the power to protect itself you will see that the prices of these articles will begin to go up. In my opinion, Mr. Chairman, it would be an unwise policy for us to shut up this shop. I heard all the testimony before the Naval Committee that the gentleman from Michigan [Mr. LOUD] heard, and that testimony did not impress me that there was any great difference in the matter of price; but I do know that the chief of that Bureau stated emphatically that the work done by the Government was better than anything that he could purchase in the open market. He said it would be unfortunate if we undertook to cripple the establishment at Boston, that it ought to be maintained, and that the Government had the right to have the very best material for its warships.

The gentleman from Michigan [Mr. LOUD] did not offer any amendment before the committee such as he has offered to-day on this subject. It may be that he has received additional information since, but so far as the Naval Committee was concerned, there was no testimony which threw doubt upon the wisdom of continuing this work at the Boston Navy-Yard.

[The time of Mr. RIXEY having expired, by unanimous consent it was extended for one minute.]

Mr. RIXEY. Now, Mr. Chairman, I should regret the adoption of this amendment, because I should regard it as a step backward. For years we have been contending, not that the Government should do all its work in a navy-yard, not that it should build all its ships in navy-yards, but simply that it should have the proper plants to protect itself against the great combinations which are being formed almost every month in this country.

Mr. GROSVENOR. But the gentleman's committee has already reported against building an armor-plate factory, has it not?

Mr. RIXEY. I think not. I have always voted in favor of building an armor-plate factory whenever the question was raised.

Mr. GROSVENOR. But the committee has voted against it. Mr. RIXEY. And I would vote for it to-day, in order that the Government might protect itself against the trust which controls the armor plate. [Applause.]

Mr. GROSVENOR. But the committee has always refused to adopt that recommendation, and the House has refused to adopt it.

Mr. RIXEY. That is correct.

Mr. GROSVENOR. So they say that armor plate, the finest work in the world, should be built in private plants, and log chains should be built in the Navy Department, because they are of a peculiar character.

Mr. ROBERTS. The Secretary of the Navy was authorized to establish an armor-plate factory if he could not get the armor at a price that suited him, and that brought the price down.

Mr. RIXEY. Ever since I have been a Member of Congress this House has been under the control of the Republican party, and it has refused to authorize an armor-plate factory, though it has been demonstrated here time and time again that the price charged was grossly excessive and the armor plate controlled by a trust.

[Here the hammer fell.]

Mr. ROBERTS. Mr. Chairman, I desire to call the attention of the committee to the amendment to the amendment offered by the gentleman from Ohio [Mr. GROSVENOR]. It seems to me he has introduced two entirely new features into the discussion. Now, he provides by his amendment as perfected, that the Department can not expend any of this appropriation in the manufacture of wire rope, cable, or anchors, until the Department ascertains whether it can purchase these same articles outside at a less price than it costs to make them in the navy-yards. The only effect of that amendment would be to close the rope walk, the wire mill, the anchor shop, and the chain shop on the 1st day of July, when this bill goes into effect, and keep those plants closed until the Government prepares its specifications, makes its advertisement for bids, inspects those bids, and finds whether it can or can not purchase this material outside cheaper than it can be made in the navy-yards. Now, what happens?

Mr. LILLEY of Connecticut. Will the gentleman yield for a question?

Mr. ROBERTS. I can not yield. Pardon me, I do not wish to be discourteous, but I have only five minutes.

Now, what happens? The skilled force that the Government has gathered together, some of the very men that the gentleman from New York told us in that letter would have to be employed by outside people to make this Government chain, will leave the navy-yards. The Government loses them. Then suppose that three or four months afterwards it is discovered that the outside people can not make these articles up to the Government standard at less than it costs to make them in the yards. Then the Government tries to get together that force of skilled men, which it formerly had, to go on with the manufacture of those articles.

Now, what is the result of that? You stop the production of these chain cables and ropes that are needed to equip the ships that are now going into commission. As I said a little while ago, we are 11 miles behind in the matter of cables, and if you adopt this amendment, you will stop the production of cables for three or four months. But there is another alternative the Department can adopt under that amendment. The Naval Committee and Congress has, since I have had any knowledge of it, been endeavoring to prevent the Departments of this Government from going into the open market and making purchases without competitive bids being offered, and yet under the amendment offered by the gentleman from Ohio those in charge of the Navy Department, on the 1st day of July, can go into the open market, because he says they can get the materials "by any other means they see fit." You are going to allow the Department to go in without competitive bids and make contracts for all those articles.

But suppose it is demonstrated as a result of the competitive bids that these chains can be purchased at an equal cost to those made in the Department, what result follows? These chains can not be delivered to the Government at the time the bids are opened. These private concerns have got to get equipped, they have got to go ahead and manufacture the chains; so that in any event if the amendment is adopted you are bound to stop the equipment of battle ships that are now going into commission, you are bound to stop the furnishing of the equipment of the ships that go into the yards from time to time, for four or five months and perhaps longer; longer if private manufacturers get the contract to furnish them, and four or five months anyway. I submit to this committee that it is not a wise thing to do because we are way behind now in the furnishing of these articles and there should not be one moment's delay if ships of the Navy are to be equipped in a manner equal to the present state of efficiency.

Mr. LOUD. Mr. Chairman, in response to the gentleman from Massachusetts, who challenged us to produce a certificate of efficiency, I hope he is satisfied with the proof of Lloyd's test that I have sent to the desk.

Mr. McNARY. I am not satisfied, I will state to the gentleman. It does not show that it was made of the best iron, and Admiral Manney said that it would not come up to the satisfaction of the Navy Department.

Mr. LOUD. I call the gentleman's attention to the letter of the Eastern Ship Building Company, in which they say that all these things were tested to the full strength of Lloyd's inspection.

Mr. McNARY. That is not up to the navy-yard standard.

Mr. LOUD. Now, Mr. Chairman, I have not attempted to lower the standard of material that goes into the ships of the Navy. I would not do it for a moment. I only say that material of the same strength and utility can be bought in the open market for one-half of what it is costing now.

As to superiority claimed for chain made in naval shops in

Boston yard, the following letter will explain itself, and shows a deplorable weakness in quality of the 2½-inch cables on U. S. battle ship *Maine*:

U. S. S. MAINE,
North River, New York, N. Y., May 9, 1906.

SIR: 1. In reference to your letter of May 3, 1906, to the Chief of the Bureau of Navigation, asking for an excerpt from the log of this ship covering the subject of losing anchors, I have the honor to state that the records of the ship show that the following-mentioned cases of chain or triplet links parting had occurred prior to my taking command:

(a) In letting go the anchor on March 23, 1904, on the target range at Pensacola, Fla., one link of the "triplet" broke, and the anchor was recovered.

(b) While heaving in the starboard bower chain on July 8, 1904, at anchor off Corfu, Greece, it parted, and the anchor and 26 fathoms of chain were afterwards recovered. This was due to a defective link at about 26 fathoms.

(c) While heaving in at Marthas Vineyard on September 9, 1904, the chain came in without the anchor. The examination showed that the middle link of the bending-shackle triplet had broken across the weld. This anchor was lost, and no trace of its buoy could be found.

(d) While heaving in off Cape Henry, Va., on June 1, 1905, it was found that the second link of the port triplet had parted. The anchor was recovered.

2. Since I have taken command of the *Maine* the following-mentioned cases have occurred:

(e) In letting go the port anchor on the target range off Barnstable, Mass., on September 22, 1905, the chain parted at the outboard link of the triplet. The anchor was recovered.

(f) In letting go the port anchor in North River on May 4, 1906, the middle link of the triplet parted almost immediately after letting go and before the anchor had touched the bottom. The anchor has been recovered.

3. The anchor chain of this ship was manufactured at the Boston Navy-Yard.

Very respectfully,

N. A. NILES,
Captain, U. S. Navy, Commanding.

Hon. GEORGE A. LOUD, M. C.,
Tenth District, Michigan,
Committee on Naval Affairs, Washington, D. C.

Mr. GRAHAM. I want to call the gentleman's attention to the fact, as developed by the debate, that there are three independent concerns outside of the steel trust now making chains for private consumers and will probably be able to supply the Government with chains. There is one at Lebanon, one at Pittsburg, and another elsewhere.

Mr. LOUD. My investigation has been exhaustive, and I find a great number of chain factories that are able to compete in this matter and which are not tied up in any combination. I want to say further in regard to what has been said about chains about the end weld and the side weld—

Mr. VREELAND. If the gentleman will pardon me, I want to suggest that the bill as amended provides for the same standard as the Navy is now building, therefore that point is taken out; but I would be glad to hear the gentleman as to the effect it would have on the plant at Boston—whether or not it would close it up, as suggested by the gentleman from Massachusetts?

Mr. LOUD. In answer to that question I will say that they have the advantage of the outside manufacturer, because they have a plant costing half a million dollars furnished them, with nothing for deterioration, renewals, interest, taxes, insurance, or profits to charge against their output, while other firms have to allow for all these fixed charges against their output, and I can not understand why the naval shops can not, under these favoring conditions, compete on an even basis with the outside parties. If they can not compete on an even basis with the outside factory they ought to be closed up and let it be a lesson to other manufacturing interests supported by the Navy that they must get the cost down within a reasonable limit.

Mr. LILLEY of Connecticut. Will the gentleman yield?

Mr. LOUD. I will yield to the gentleman from Connecticut.

Mr. LILLEY of Connecticut. I would like to ask the gentleman from Michigan if he does not think that the gentleman from Massachusetts has taken a little too seriously the position that the factory would have to stop on the 1st of July if this amendment was passed? Would not there be ample time between now and July 1 to get bids and let contracts?

Mr. LOUD. I want to say that there is no reason why that magnificent plant, furnished with all the latest machinery for making these articles, with skilled mechanics who can make them if they want to, has not plenty of time within which to make the test, and if they can make it equally cheap they are at perfect liberty to do so. In closing I desire to say that I have here the highest published authority upon chain making which can be found anywhere in the world, and that advocates the side welding of the chain, and I have here three letters upon the same subject from experts, all saying that the side-welded chain is the best. Those letters are as follows:

LEBANON, PA., March 28, 1906.

Hon. GEORGE A. LOUD,
House of Representatives, Washington, D. C.

DEAR SIR: I understand that you are interested in information concerning the manufacture of chain as made in the Boston Navy-Yard.

The writer is a practical chain maker, and during the year 1904 was employed in the Boston Navy-Yard making chain. I do not consider that the iron furnished by the Monongahela Iron and Steel Company, of Pittsburg, is the proper iron to use for chain making, for the reason that it is very hard to weld and does not run uniform. During the latter period of the time that I was employed there I made all of the chain samples for testing. The method of testing chain at the Boston Navy-Yard is entirely different from the way it is done in outside shops. In Boston the chain maker has the privilege of cutting out his own samples for testing.

I am at present employed by a chain manufacturing concern which has furnished large quantities of this chain to the United States Navy, part of which chain I have made. In this shop the test pieces are cut out of the chain at random by the Government inspector and pulled to destruction, and unless these test pieces stand the required strains the entire piece of chain from which the test piece was taken would be rejected. In the Boston Navy-Yard the chain was all welded on the end, whereas in this shop it was side welded, and in my opinion side-welded chain is superior to the end welded.

Yours, respectfully,

EDWARD MELLMAN.

LEBANON, PA., March 28, 1906.

Hon. GEORGE A. LOUD,
House of Representatives, Washington, D. C.

DEAR SIR: I understand that you are interested in the subject of side-welded chain, and desire to give you some information on the subject.

In the year 1816 Sir Samuel Brown, a Lieutenant in the royal navy of England, first invented the process of welding chain on the side. Ever since that time chain has been made successfully by the side-welding process, and the British Admiralty will not use any other but side-welded, as it has proven far superior to end-welded chain on larger sizes. In the year 1840 it was first made in Staffordshire, England, by the late Henry Pershouse Parkes, and since that time all the chain made there of large sizes for ship cables have been side-welded.

Yours, respectfully,

SYDNEY JOHNSON.

LEBANON, PA., March 28, 1906.

Hon. GEORGE A. LOUD,
House of Representatives, Washington, D. C.

DEAR SIR: I have recently received information which leads me to believe that a statement by myself in regard to the difference between welding chain on the end and on the side would be of interest to you. I am a practical chain maker, having been engaged in this business in England, as well as this country, for the past thirty years, and have had a wide experience.

Side-welded chains are far superior to end-welded chains for the reasons that end-welded chain is not so pliable, not so neat, and not so strong as the side-welded. I can remember when Brown & Lenox, in Wales, England, used to make all the side-welded chain for the British navy. Staffordshire, England, which is a noted place for chain making, could not compete with Wales, for the reason that they were welding their chain on the end and were compelled to change to the side-welding process, which has been demonstrated as superior to the end-welded. Since making this change, nearly all of the British navy cable chain is made in Staffordshire, and the British navy will not have any chain welded on the end over 1½-inch size. Side-welded chain has been made in England for more than fifty years, and during that period has proven to be far superior to end-welded.

Yours, truly,

HERBERT FORREST.

I have approached this business proposition from a wholly unprejudiced and unbiased standpoint, for I am one of the fortunate members of the Naval Committee having no navy-yard, naval station, or naval interest; nor any manufactory of any material under discussion in my district or my State.

I have no relatives, friends, or acquaintances interested in any such manufactory, and all the information which I have given to you in unstinted measure has been obtained upon my own initiative from absolute strangers.

My only motive in taking up the subject is to call to your attention this illustration of extravagant and needless expenditure of a large sum of money yearly, thereby diverting and wasting a portion of the large and generous appropriation by Congress of about \$100,000,000 annually, which should be used in the economical upbuilding and maintenance of a grand navy, which I hope shall be second to that of no other nation in the world, save England. I trust the amendment under discussion will prevail. [Great applause.]

The CHAIRMAN. The time for general debate has expired. Mr. GROSVENOR. Mr. Chairman, I offer the following substitute for the pending amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Provided, That no part of said sum shall be expended in the manufacturing in any Government navy-yard of any chains, anchors, or cordage which can be obtained in the free markets of the country at a less cost than the manufacture of the same article will cost in the navy-yards by bids at the solicitation of the Department or in such other manner as the Department may choose: And provided further, That all such articles shall be of a standard of quality to be fixed by the Navy Department.

The CHAIRMAN. The question is on agreeing to the substitute for the pending amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. LOUD) there were—ayes 76, noes 72.

Mr. ROBERTS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. LOUD and Mr. ROBERTS were appointed tellers.

The committee again divided; and the tellers reported—ayes 78, noes 73.

So the substitute was agreed to.

The CHAIRMAN. The question is now on the original amendment as amended by the substitute.

The question was taken; and on a division (demanded by Mr. ROBERTS) there were—ayes 71, noes 66.

Mr. ROBERTS. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. LOUD and Mr. ROBERTS were appointed tellers.

The committee again divided; and the tellers reported—ayes 85, noes 76.

So the amendment was agreed to.

The Clerk read as follows:

Coal and transportation: Purchase of coal and other fuel for steamers and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, \$3,750,000.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the gentleman in charge of the bill a question. I observe that this appropriation has been increased over the appropriation for the current appropriation \$1,000,000. The Navy Department at the beginning of this session estimated a deficiency of \$1,250,000 for the current year.

Mr. FOSS. Yes.

Mr. TAWNEY. And Congress has allowed them \$50,000 in addition to what was appropriated. I obtained the impression in the hearings on the urgent deficiency bill that it was the policy of the Navy Department to stock up to the maximum limit all of the coaling stations that the Government owned, and that that was the reason they felt there would be such a deficiency in the current appropriation for coal. I desire to ask the gentleman whether this increase of \$1,000,000 is for the purpose of carrying out that policy, or whether this increase is necessary to maintain only a reasonable necessary quantity of coal at these different coaling stations for necessary current consumption?

Mr. FOSS. Mr. Chairman, that is my understanding, that this is simply for the Navy during the coming fiscal year and not to stock up a large amount of coal at any of these coaling stations. Of course there will have to be more or less reserve in the Philippines, because we have the Asiatic fleet over there. The reason why there is an increase this year is due to the fact that we have more vessels in commission, and, as the gentleman will see, from the fact that the Department is asking for a deficiency this year, if the same number of vessels are kept in commission it will require a larger appropriation for coal. I may say that this item is made larger by reason of the fact that the shipping of our coal has been done in American bottoms. That is costing from \$350,000 to \$400,000 a year more than if the coal were shipped in foreign bottoms. That was done in pursuance of an act of Congress approved April 28, 1904, compelling all naval supplies to be shipped in American bottoms. I think that this appropriation is needed this year and that we can not safely reduce it.

Mr. TAWNEY. I will say, Mr. Chairman, my only purpose was to ascertain whether or not the committee, of which the gentleman is at the head—the Naval Committee—agreed with the Navy Department in respect to the necessity of stocking up our coaling stations to their maximum capacity—

Mr. FOSS. Oh, no—

Mr. TAWNEY. The coaling stations in the United States. If that was so, I should have moved to reduce this amount. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 16, line 12, after the word "dollars," insert: "Provided, That no part of the amount hereby appropriated shall be expended for transportation of coal between ports in the United States on the Atlantic coast and on the Gulf of Mexico and ports in the Philippine Islands at a greater rate than \$5 a ton."

Mr. FITZGERALD. In the hearings on the urgent deficiency bill it was ascertained that prior to the passage of the act of April 28, 1904, the highest price paid for the transportation of coal to the Philippine Islands was \$4.87½ a ton. Since the passage of the act of April 28, 1904, which required coal and supplies for the Navy to be transported in American vessels, the price has gone up to about \$7.50 a ton. In that act provision is made that, in case the prices are excessive or unreasonable, the President of the United States may direct that coal and supplies be transported in other vessels than American vessels. The Secretary of the Navy, in his report for the present year, speaking of the law requiring the transportation of coal especially in American vessels, says:

That the statute requiring the transportation of naval stores in American bottoms, however, tends to none of these ends—

That is, to the building up of the merchant marine and training of seamen—

and, in fact, seems only to cause trouble and expense to the Government, with no offsetting advantage. I strongly recommend its repeal.

The Secretary of the Navy, in his statement before the Committee on Naval Affairs, speaking of the necessity of repealing this act—that is, the act requiring the transportation of naval supplies in American bottoms—says this:

That is pretty well stated in my report. I have only to say this: I can not see any good excepting to owners of ships. I do not think it promotes the building of any American ship or the training of any American sailor. It has very largely increased the cost of the transportation of our coal. So far as the transportation of naval stores is concerned, the law is almost ineffective. It is difficult to get, very frequently, the American ship to transport them. Of course you can do that with coal, because it is not an urgent matter—not a matter of extreme urgency to get it there at a fixed date; but the increased cost is something very startling—something like double.

Then, after an interruption as to where the law originated, the Secretary of the Navy continues:

They are for everything excepting coal, and they are very high and mighty on the coal question. They fix rates that are practically—well, not prohibitory, because we have to get the coal, but which are enormously high. All I want to say in this connection is that I don't want it to be assumed from my recommendation in that report that I am opposed to a measure which would tend to promote the merchant marine. I have only to deal with the so-called "ship-subsidy" measures or proposals from a naval standpoint, and from a purely naval standpoint there is a great deal to be said in favor of some such bill as that; but I don't see that this bill amounts to anything excepting a heavy increase of expense.

The hearings developed that coal costing \$360,000 to purchase in this country cost over \$900,000 to transport to the Philippine Islands. In this appropriation bill an increase of \$1,000,000 is recommended for the purchase of coal and transportation. The Secretary of the Navy says that the requirement to carry this coal in American bottoms has resulted merely in doubling the cost of transportation. I wish to call attention to the fact that it seems very extraordinary that the Secretary should continue to use American bottoms for this purpose. He says that while the price is not prohibitory it is very excessive, and yet in the law passed April 28, 1904, it is specifically provided that—

American bottoms shall be used unless the President shall find that the rate of freight charges by said vessels are excessive and unreasonable, in which case contract shall be made under the law as it now exists.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIXEY. Mr. Chairman, I move that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, the purpose of this amendment is not only to permit the payment of a reasonable and a fair charge for the transportation of coal for the Navy from this country to the Philippine Islands, but it is also designed to prevent the extortionate prices that now prevail. I know of no better authority upon this question than the Secretary of the Navy. It is not possible to repeal on this appropriation bill the law to which he refers, but it is possible to so limit the price to be paid for the transportation of coal as to effect practically the same result. The fact that prior to the passage of this law, as was shown in the hearings to which I have called attention, coal could be transported, at the outside, at \$4.87 a ton makes it seem that \$5 is a reasonable price to fix.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. FITZGERALD. Yes.

Mr. UNDERWOOD. Under this law as it is now on the statute books, is it not in the power of the Secretary of the Navy, if extortionate prices are asked, to send the coal in foreign bottoms?

Mr. FITZGERALD. It gives that power to the President; but the President is a busy man. He has a great many duties. He can not have knowledge of all of these things, and it seems to me, in view of the Secretary's statement that the prices are enormously high, that that law has resulted in nothing except in a heavy increase in expense, and that the increased cost is something very startling, something like double, and that despite all the coal is transported in these vessels, it is necessary for us to do something to relieve the situation.

Mr. UNDERWOOD. The object of my question was this: If we adopt this amendment it will not shut off the opportunity for carrying coal, but it is merely declaratory of the opinion of this House that more than \$5 would be exorbitant, and if American bottoms charge more than that, the Secretary of the Navy then could send it in foreign ships.

Mr. FITZGERALD. That is true.

Mr. FOSS. I have the law right here.

Mr. FITZGERALD. I have it right here, too.

Mr. FOSS it says:

Provided, That no greater charges be made by such vessels for transportation of articles for the use of said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

Mr. FITZGERALD. And that if the prices are excessive or unreasonable, the President can direct that the coal or supplies can be carried in foreign bottoms. But in spite of the existence of that law, the coal for the Navy has been carried in American bottoms; and the Secretary of the Navy, both in his report and in his testimony before the gentleman's committee, insists that the increase in cost has been "startling;" that the prices, while not prohibitory, because they have had the coal carried, is yet "enormously high," and that the law should be repealed. Yet in the face of those statements and expressions of opinion of the Secretary of the Navy, no action has been taken by the Executive to remedy the conditions. I believe it is due to the fact that the President, as I have already stated, has a multitude of duties. He can not keep informed of all these different matters.

Mr. FOSS. I understand that the Navy Department is going to take this matter up, and they will not pay any such exorbitant charges.

Mr. FITZGERALD. Now, the gentleman has no objection to some limitation upon the price. I am not particular about—

Mr. FOSS. We can not repeal this law here on this bill in this way.

Mr. FITZGERALD. We can fix the limit of price, and if the gentleman from Illinois [Mr. Foss] will suggest some other price than \$5 I am willing to accept it.

Mr. SLAYDEN. Will the gentleman permit me a question?

Mr. FITZGERALD. I will.

Mr. SLAYDEN. I would like to ask him and the other gentlemen of the committee what has been the history of this transportation? Have excessive prices been charged?

Mr. FITZGERALD. That is what the Secretary of the Navy says, and the fact is that prior to the passage of the law the highest price, according to the statement made to the Committee on Appropriations, was \$4.87½ per ton. After the passage of the law it has gone as high as \$7.50 a ton.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. SLAYDEN. Mr. Chairman, I was interrogating the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. Foss], the chairman of the committee, with the view of getting some information as to these charges. The gentleman from New York states that prior to the limitation fixed in the law the charges were less than \$5 a ton, namely, \$4.87½. I understood him to say that since then the charges have been advanced until they are \$7 or more per ton.

Mr. FITZGERALD. It has gone as high as \$7, but has varied.

Mr. SLAYDEN. Has gone as high as \$7 a ton?

Mr. FOSS. That is, in American bottoms.

Mr. SLAYDEN. Does not that strike the gentleman as, if the charge was reasonable and fairly remunerative, that the advance to \$7 a ton, more than 40 per cent, is extortion?

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. SLAYDEN. Yes.

Mr. LOUDENSLAGER. What was the rate charged the Government when carried in foreign bottoms?

Mr. SLAYDEN. I am trying to elicit information from the chairman of the committee on that very point.

Mr. LOUDENSLAGER. I would say to the gentleman that it was not only in excess of \$7, but in excess of \$8 in 1901.

Mr. SLAYDEN. Then, if that be true, Mr. Chairman, we want some limitation that will protect the interest of the Government both from the foreign and American ships, it seems. We ought to have a competition that comes from the encouragement of American ships, but puts a limitation upon their greed.

Mr. FITZGERALD. I think that the gentleman from New Jersey has confounded two facts. I believe what he said applies to the transportation of other supplies. This item relates to coal. Prices for carrying other supplies were quite high in 1901. But my recollection is that for carrying coal, for which there were a greater number of vessels available, that it did not reach the prices mentioned by him. This amendment merely applies to coal, the transportation of coal, and not the transportation of other supplies.

Mr. LOUDENSLAGER. I will just say, for the benefit of the gentleman from New York, that the statement he made is based upon the same authority as the statement made by me.

Mr. FITZGERALD. Well, I suppose it is the chief of the Bureau, but I do not know. He gives in his report the average

price in 1901. I do know this, however, that the Secretary of the Navy has stated to the gentleman's committee that extortionate prices are now being charged.

Mr. LOUDENSLAGER. Extortionate?

Mr. FITZGERALD. He says practically that: "They fix rates that are practically, while not prohibitory, because we have got the coal, but they are enormously high." And he said at another place: "The cost is something very startling, something like double." And he said in another place: "I do not see that this bill amounts to anything except a heavy increase in expense." I submit that whatever would be the proper reasonable price, we should limit the Department to that price. The President has under the law the power to use foreign bottoms when the prices are unreasonable or excessive in American bottoms. Not having exercised that power in the past, it seems to me that we should fix a price beyond which the Department should not go in the use of American bottoms.

Mr. FOSS. Now, I would like to ask the gentleman, in view of the fact that the President has that power, in the case of excessive charges or unreasonable charges, to ship coal under the law as it previously existed, why is that not sufficient? Why put in this limitation when you have a limitation by law?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FOSS. Mr. Chairman, I desire to be recognized.

Mr. FITZGERALD. In the time of the gentleman from Illinois, I will say this.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. FOSS. If we could put a limitation upon them there, we might put it by a law for the coming year, so as to practically prevent the shipping of coal to the Philippine Islands.

Mr. FITZGERALD. We would only fix a reasonable limitation and regulate the price of transportation.

Mr. FOSS. If you put any limitation whatever upon it, as the gentleman from New Jersey said, like in 1901, in foreign bottoms it was \$8, if I remember aright.

Mr. SLAYDEN. Will the gentleman yield?

Mr. FOSS. Now, what we want is to get the coal out there for the ships, and we do not want to put any limitation that will shut that possibility out. I have no particular love for this line of business.

Mr. SLAYDEN. I do not want to cripple the naval service in any way, but I understood the gentleman from New York to read from a communication of the Secretary of the Navy, or his testimony before the committee, that the charges that had been exacted had been enormously high.

Mr. FOSS. But under this law the President can remedy that evil.

Mr. SLAYDEN. But under the practice it has not been done. It is the right of the President, but he is so much occupied with his multitudinous duties that perhaps he has not been able to give his attention to it and has not been able to reach it.

Mr. FOSS. Oh, after a while he will probably reach the matter.

Mr. LOUDENSLAGER. Mr. Chairman, I am inclined to think that the members of the committee are laboring under a wrong impression. I am not in favor of permitting the Navy Department to suffer extortion, either in the carrying of coal or in the obtaining of any other articles. The report of the chief of the Bureau of the price paid for carrying coal from the Atlantic coast to Manila and the Hawaiian Islands is made every year, and for a period of seven years ending June 30, 1905, when for the major part of the time the coal was carried in foreign bottoms, the average price for those years was \$6.49. A large proportion of the reduction of that price was made in the year 1904, when the foreign bottoms, cognizant of proposed legislation, evidently for that reason, reduced the price per ton for transportation, just as they are to-day offering to carry this coal at a less figure than they would if they had the command of the market themselves. I do not believe it is wise for the committee to adopt this amendment. If, however, the committee deem it wise to relieve the President of the discretionary power in this act, or to relieve him in a degree from the pressure that may be brought upon him, it would seem to me to be more wise for that limitation of this appropriation to be made on the line of percentages of increased cost of freight, either in foreign or American bottoms, so that at any time the President or the Secretary of the Navy might have more liberty in the carrying of coal. But even that, in my judgment, is dangerous, for the reason that if we do have any trouble in those waters, as everybody knows, every foreign bottom will refuse to carry a particle of coal for us, and we shall be dependent upon American bottoms. It would

be wiser to repeal the law rather than to put a limitation upon this arm of the Government service.

Mr. BUTLER of Pennsylvania. Mr. Chairman, Congress saw fit in 1904 to provide that our coal carried to the Philippine Islands should be carried in American ships. The wisdom of that law was left to the membership of Congress. If I recollect rightly, there was not much opposition to the measure. Of course, it costs more money to carry coal in American ships than it does in foreign ships. American sailors are paid more money than foreign sailors are paid. There is not, however, any attempt to maintain one price for carrying this coal. The witness who appeared before the committee, and who was questioned quite closely (as gentlemen will see if they desire to follow the hearing), testified in answer to a question:

Do various American shipping companies bid for the contract?
Every shipowner in the United States of whom we have knowledge is asked to make an offer.

As a rule, do many of them make offers?
Many do.

Mr. Chairman, if the price is limited to \$5 or \$6 per ton, it will have the effect, of course, not only of taking from the Secretary of the Navy discretionary power to fix the rate on coal, but at the same time it may deprive our coal depots in the Philippine Islands and elsewhere of fuel that is absolutely necessary for our ships during the coming year. I believe that the Department is not well satisfied with the act of Congress of April, 1904. I believe, from what I have learned, that the Department would consider it much better if the discretion had been left in it to employ either foreign or American bottoms to haul this coal.

The committee that passed upon this item had nothing whatever to do with that subject. We do believe that quite a large sum is charged for this service, about \$7 per ton as against \$5 charged, perhaps, the year before. But to repeat what I said, if you limit the price we may not get the coal until this law is repealed. One step further. I know that it must be in the minds of gentlemen who are inquiring as to the advisability of the adoption of this amendment offered by the gentleman from New York: What is the occasion for this increase in price of carrying the coal? Principally this, that these American bottoms have no loads to carry back. They put the coal in at Newport News, take the long sail down the Atlantic, across the Pacific, and land their loads at Manila, and come back empty, because they do not have any trade this way. Therefore the Department informs us that in making these bids they must bid on both ways. Whose fault is that?

Mr. PERKINS. Will the gentleman yield for a question?

Mr. BUTLER of Pennsylvania. I shall be greatly pleased to yield.

Mr. PERKINS. Is not that equally true of the foreign bottoms?

Mr. BUTLER of Pennsylvania. No.

Mr. PERKINS. Wherein is the difference?

Mr. BUTLER of Pennsylvania. Admiral Manney testified that they carry coal to the Philippines and come back loaded; that there is a good deal of trade the other way.

Mr. PERKINS. Then why do not the American boats come back loaded?

Mr. BUTLER of Pennsylvania. Because the trade is not this way. The trade is to England and other ports where the foreign ships sail. I hope my friend will not press me particularly. I should like to answer his questions specifically, for I am not sufficiently well informed as to trade. We could do no better than to take the statement of competent gentlemen, and that statement we accepted.

The CHAIRMAN. The gentleman's time has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PERKINS. Will the gentleman from Pennsylvania answer one question, which he certainly can answer, because it is asking his own judgment; does he individually think it is wise to continue on the statute books the provision that now stands there compelling the Government to use American bottoms for the transportation of this coal?

Mr. BUTLER of Pennsylvania. Mr. Chairman, that is a pretty hard question to answer. I am an American citizen—

Mr. PERKINS. We all are.

Mr. BUTLER of Pennsylvania (continuing). And as long as I am an American citizen I shall be willing to pay the American sailor a little more than I would the foreigner. I believe, although I am not well informed—I am not an expert—that \$7 is quite a large price to pay for carrying coal, and I base my judgment largely on the statement of those better in-

formed than I am. But the question is, What is our remedy? I feel sure that there is a disposition in the Department to work out the solution. I do know that it is the determination to make every effort to get our coal hauled to the Philippines for less money than it is now being hauled. I am not willing, I will say to the gentleman from New York, to concede that I will vote to repeal that act of Congress, to turn over the carrying of coal as against our small merchant marine to foreign ships and put the foreign sailor in competition with the American sailor. I believe that if our trade becomes established in the Philippine Islands, and as the eastern trade may become expanded in extent, this coal may be hauled for less money. There is no criticism offered against the American shipowner that he is attempting to gouge the Government. They have, as I said before, nothing to bring this way, and of course the merchantman thinks he ought to have something on that account to pay him for the performance of his service.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. BUTLER of Pennsylvania. I yield to the gentleman.

Mr. UNDERWOOD. Is not the fact that you do not bring any load back mainly due to the fact that the Republican party keeps the tariff wall between the Philippine Islands and the United States, and that they can not bring anything back?

Mr. BUTLER of Pennsylvania. I hope that during the present session of Congress the act that passed this House may become a law. [Applause.] I may say that I do not think I am less Republican to express that wish. For the Filipino people I am willing to let down the bars, but in favor of the foreigner never; I would go to defeat first.

Mr. WILLIAMS. If the gentleman from Pennsylvania will pardon me, I have so much confidence in the gentleman's opinion on this matter that I would like to ask him if he does not regard the hope that he just spoke of as an iridescent hope? [Laughter.]

Mr. BUTLER of Pennsylvania. Well, having the same regard and confidence in the judgment of my friend from Mississippi, I will ask him whether he has any hope of the passage of that bill?

Mr. WILLIAMS. I have long ceased to have any hope that common sense of a Democratic character would come from the legislative branch not far from here. [Laughter.]

Mr. BUTLER of Pennsylvania. My hope is that the gentleman will yet be saved, and this because of my great liking for him.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask for just one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. BUTLER of Pennsylvania. I believe it would be a mistake to put this limit on, for the reason that it might, while the act of Congress stands in the way, interfere with the delivery of coal in the Philippine Islands. I will not contend for any sort of combination that will take from the Government what the Government ought not to pay. We are not well informed as to what the future may show, but we are well satisfied, I think, that the Department is endeavoring to work out a solution, and it is not a comfortable one under the circumstances. [Laughter.]

Mr. RIXEY. Mr. Chairman, I move to strike out the last word. There was no apologist before the committee for this condition in regard to shipping coal to the Philippine Islands. Every representative of the Government who came before the committee expressed his regret that the law existed requiring the coal to be shipped in American bottoms. The gentleman from New York has read what the Secretary of the Navy stated before the committee. The Secretary thought this matter of so much importance that he also referred to this subject in his annual report, from which I will read:

In connection with the estimates for the Bureaus of Equipment and Supplies and Accounts, my attention has been called to the very unsatisfactory working of the law requiring the shipment of supplies for the Navy in American bottoms. It has been found altogether impracticable to make such shipments in connection with most naval stores, and in other cases, more especially with regard to coal, the additional cost to the Government thereby caused has been enormous. With the economical or legal aspects of a subsidy to our merchant marine this Department has no concern, but there can be no doubt that, from a purely naval standpoint, much may be said in favor of such a subsidy. With proper safeguards it might secure us a useful reserve of seamen and provide us with scouts, commerce destroyers, supply ships, transports, and colliers, which might be of great value in case of war. The statute requiring transportation of naval stores in American bottoms, however, tends to none of these ends, and, in fact, seems to cause only trouble and expense to the Government, with no compensating advantage. I strongly recommend its repeal.

Mr. BUTLER of Pennsylvania. Is that a repeal of the law?

Mr. RIXEY. The Secretary said, "I strongly recommend its repeal." Now, the amendment of the gentleman from New York [Mr. FITZGERALD], if adopted, will operate as a practical repeal of that law so far as coal is concerned, and for this reason: The law itself provides that if the price is exorbitant and unreasonable the President has the power to have it carried under the law as it existed at the time that the new law was passed. The adoption of this amendment will be a statement that anything in excess of \$5 is exorbitant, and will amount to a request to the President to exercise the discretion vested in him by the law and authorize coal to be carried as it was under the old law. It is perfectly plain that that is the proper course to pursue, and the amendment of the gentleman from New York should be adopted. I desire to state here that, having heard the Secretary's opinion before the committee and having heard the Bureau chief's testimony there, I am satisfied that the Navy Department would welcome a limitation upon this bill practically repealing the requirement of the new law as to coal transportation. In that one item for transportation of coal in one year to the Philippine Islands it cost the Government \$300,000 more than it would upon open and free competition.

Mr. FOSS. Does the amendment of the gentleman from New York [Mr. FITZGERALD] make the \$5 applicable to foreign bottoms as well as to American bottoms, or simply to American bottoms?

Mr. FITZGERALD. Oh, the amendment would prevent this being paid to any ship; but if the gentleman will permit me I am going to ask to be permitted to substitute the sum of \$6 for the sum of \$5.

Mr. RIXEY. Mr. Chairman, I will ask the gentleman to provide in his amendment that it be made applicable to both conditions, so that if it is not carried under present law the President will have the right to have it carried under the old law.

Mr. FITZGERALD. Under the law the President has the right to correct it.

Mr. FOSS. Under the law he can correct it to-day. Why not leave it in that way instead of attempting to fix a limitation which might absolutely shut out all coal for the Philippines?

Mr. FITZGERALD. The trouble is that he has failed to do this.

Mr. FOSS. The Secretary of the Navy says himself—

Mr. RIXEY. Mr. Chairman, I will say to my friend that this is but a repetition of the discussion which took place last year on this bill in reference to this item.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIXEY. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. RIXEY. Mr. Chairman, when the naval bill for 1906 was up last year there was a similar motion made in regard to this item, and the same plea was entered by the gentleman from Illinois [Mr. FOSS], that the President had the power to correct it; but the fact remains that it has not been corrected and the failure to correct is costing the Government \$300,000 a year. The probability is the President has never heard of it, but if this limitation is now placed here or some other like limitation is placed on the bill indicating the wish of Congress and the opinion of Congress it will bring some action by the executive branch of the Government, and I think the amendment ought to be adopted.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. I am very much in favor of the motion offered by the gentleman from New York [Mr. FITZGERALD]. I do not think Members of the House can attach too much importance to one fact, which is that, as I think, we are getting to be "a government by scolding." Instead of enforcing the laws upon the statute books and exercising the discretions that are vested in various Departments and the President, we are getting so that we take it out in coming before the committees of the House or the House itself and scolding about the very things which might be cured without scolding. The gentleman from New York has read the testimony of the Secretary of the Navy. The Secretary of the Navy scolds about this matter. He tells about the abuse and he tells about how the Navy is frightfully exploited in the freight charges upon the coal. Yet it turns out that there is a discretion vested in the President by law to avoid this very evil and that the Secretary of the Navy, by bringing it to the attention of the President, if the President had done his duty, and presumably he would have done it, could have prevented the necessity of any motion like the one which the gentleman from New York now offers.

What is left to us, the legislative branch? If we vest in the Executive a discretion to prevent the Treasury from being ex-

ploited by selfish interests and that discretion be not exercised, then there is nothing left for us to do except to pass further legislation making clear our will and fixing a point beyond which the charges must not go and at which the exercise of the discretion in the Executive becomes mandatory and must be exercised. The motion of the gentleman from New York does that.

Mr. UNDERWOOD. Mr. Chairman, I offer the following substitute to the amendment offered by the gentleman from New York, which I send to the desk.

The Clerk read as follows:

Provided, That an act to require the employment of vessels of the United States for public purposes, approved April 28, 1904, shall not apply to the expenditure of this appropriation.

Mr. FOSS. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. UNDERWOOD. Mr. Chairman, I suppose the gentleman makes the point of order on the ground that it is a change of existing law, although he did not so state?

Mr. FOSS. Yes.

Mr. UNDERWOOD. What I have to say against the point of order is this, Mr. Chairman: This is an appropriation for the expenditure of Government money for coal. It is within the power of Congress to limit the expenditure as it sees fit, just as the proposition of the gentleman from New York is a limitation on the expenditure providing that it shall not exceed \$5 for each ton.

Now, this is a limitation in the expenditure in the sense that it shall not go under that law. I admit I am not clear myself as to the parliamentary situation of this amendment, but I offer it as a limitation. Possibly it may go further than that and be purely a repeal of law, but before the gentleman from Illinois insists on his point of order I want to call the attention of this House to this fact: He is objecting to the amendment of the gentleman from New York on the ground that you are tying the hands of the Secretary of the Navy so if an emergency comes he can not act; he can not go over \$5 a ton. Now, the Secretary of the Navy, in his hearing before the Naval Committee, has stated to the gentleman from Illinois, the chairman of this great committee, and to the members of his committee that the increase caused in transportation of coal by reason of this law has been something startling, and that he favors a repeal of the law. Now, under those circumstances here is a limitation which I offer, if the gentleman does not insist upon the point of order, that does not repeal the law permanently, but repeals it so far as this particular provision is concerned. It unties the hands of the Secretary of the Navy, gives him a full authority to experiment under this appropriation, and determine whether or not he can get this coal shipped to foreign ports of the Government at a reasonable compensation, if you remove this law that at present ties his hands. Now, gentlemen on the committee object to the proposition of limiting the cost. There is no limitation here. It will leave it open for him in his discretion to determine whether he will ship the coal in foreign bottoms or in American bottoms, but it will do away with the fact that a few American vessels have increased the cost of transportation, as he says, to something that is startling. That is not my language; that is the language of the Secretary of the Navy. Now, under those circumstances is not it the duty of this House to relieve him of that trouble, give him the opportunity to save this difference of from \$5 to \$7 for each ton of coal that is shipped? The testimony in the report shows that before this law was enacted the highest price that was paid for carrying coal to the Philippine Islands was under \$5 a ton.

Mr. LOUDENSLAGER. Oh, no; I beg your pardon.

Mr. UNDERWOOD. Well, that is the statement of the gentleman from New York.

Mr. LOUDENSLAGER. Admiral Manney's report is it was advanced up to \$8.63.

Mr. FITZGERALD. That is the statement made before the Committee on Appropriations on the urgent deficiency bill.

Mr. LOUDENSLAGER. I am taking his report made to the Secretary of the Navy and by him published.

Mr. UNDERWOOD. The gentleman from New York states—

Mr. RIXEY. Here is the statement.

Mr. UNDERWOOD. The gentleman from Virginia hands me the hearings, and I will read what Admiral Manney did say:

During the same year, when the markets were practically the same, the prices paid for foreign bottoms were from \$4 a ton to \$4.87 a ton to Manila. The cost of shipping in American steamers, which was the kind of tonnage that had been employed before, was \$7 per ton to \$7.50.

Now, that is what Admiral Manney says in the hearings.

You have a law on the statute book that has increased the cost of transportation of this coal from \$4.87, the highest, to \$7 and \$7.50 a ton, and the Secretary of the Navy stands here in his report requesting that that be repealed, and I say it is the duty of this House to free his hands and give him a chance to act in the matter.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois insist upon his point of order?

Mr. FOSS. Mr. Chairman, I do insist upon the point of order. In my judgment it is a change of existing law. The law referred to is that, I think, approved April 24, 1904. Now, this act was reported from the Committee on the Merchant Marine and Fisheries and came before this House and was passed, and it seems to me that if this law is to be repealed, which applies not only to coal, but to all Army and naval stores, it ought to come in properly before this House and be considered and be repealed, and I am not sure I will not vote for its repeal if it is properly brought before the House.

The CHAIRMAN. The Chair sustains the point of order, and the question is upon the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. FITZGERALD. Division, Mr. Chairman!

The committee divided; and there were—ayes 49, yeas 58.

So the amendment was rejected.

Mr. SLAYDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of the amount hereby appropriated shall be expended in transporting coal between the ports of the United States on the Atlantic coast and the Gulf of Mexico and the ports in the Philippine Islands at a greater cost than \$6 a ton.

Mr. FOSS. Mr. Chairman, in what way does that change it?

Mr. SLAYDEN. It raises the limit of dollars.

Mr. FOSS. I call for a vote on it, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SLAYDEN].

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. SLAYDEN. Division, Mr. Chairman!

The committee divided; and there were—ayes 56, yeas 56.

Mr. SLAYDEN. Tellers, Mr. Chairman!

Tellers were ordered; and the Chair appointed Mr. Foss and Mr. SLAYDEN as tellers.

The committee again divided; and there were—ayes 59, yeas 64.

So the amendment was rejected.

The Clerk read as follows:

Navy-yard, League Island, Pa.: To continue retaining wall about reserve basin, \$10,000; sewer system, extensions, \$5,000; dredging and filling in Delaware water front, to continue, \$15,000; fire-protection system, extensions, \$5,000; extension of reserve basin, to continue dredging, \$50,000; building for bathing, examination of recruits, and disinfection of clothing, \$10,000; electric capstan for dry dock No. 1, \$3,000; central heating system, \$10,000; in all, navy-yard, League Island, \$108,000.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word. I do it for the purpose, Mr. Chairman, of asking unanimous consent that I may extend my remarks in the RECORD. I made three or four different statements at different times and read certain documents, and I ask leave to extend my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to extend briefly and revise my remarks.

Mr. LOUD. Mr. Chairman, I make the same request.

Mr. LILLEY of Connecticut. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to make a similar request.

The CHAIRMAN. If there is no objection, the several requests will be granted.

There was no objection.

Mr. MANN. Do I understand that these extensions are to be on the bill?

Mr. GROSVENOR. Yes; certainly. I suppose that in the Committee of the Whole House, no other leave can be given.

The Clerk read as follows:

Navy-yard, Washington, D. C.: Paving, to extend, \$5,000; underground conduit system, to extend, \$5,000; railroad system, to extend, \$5,000; heating system, extension, \$5,000; water system, to extend,

\$10,000; yard wall, to complete, \$20,000; extension and improvements, telephone and fire-alarm systems, \$3,000; extension of gas plant, \$10,000; purchase of land west of yard, to complete, \$200; in all, navy-yard, Washington, \$63,200.

Mr. RIXEY. Mr. Chairman, I desire to offer an amendment to the section, but I yield to the gentleman from Illinois [Mr. Foss] for the purpose of moving that the committee do now rise.

Mr. FOSS. Would not the gentleman like to offer his amendment to-night?

Mr. RIXEY. I can put it in in the morning. It will take some time.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry. Has the motion that the committee do now rise been put to the committee?

The CHAIRMAN. It has been submitted and carried. The committee is waiting for the Speaker.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill—the naval appropriation bill—H. R. 18750—and had come to no resolution thereon.

SAN FRANCISCO.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to read this telegram. It is a very important matter.

The SPEAKER. What is the gentleman's request?

Mr. GAINES of Tennessee. To read a telegram.

The SPEAKER. The gentleman asks unanimous consent to read a telegram. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee (reading)—

SAN FRANCISCO, CAL., May 9, 1906.

Hon. JOHN W. GAINES,
House of Representatives, Washington, D. C.:

Thank you sincerely for your efforts to secure drawback on imported building material. It is absolutely necessary, as already combinations are being formed to advance prices, to the serious detriment of property owners and home builders.

J. J. MOORE & Co.

[Loud applause on the Democratic side.]

That is the second telegram of thanks I have received from San Francisco people, and I want Congress to do for the San Francisco people at least as much as Congress did for the victims of the Chicago fire. And by way of extending my remarks I insert the following:

SAN FRANCISCO, April 25, 1906.

Hon. JOHN W. GAINES,
Washington, D. C.:

Please mail us a copy of the customs relief bill.

C. D. BUNKER & Co.,
Post-Office Box 2564.

I sent copies of the bill (H. R. 18527) I introduced April 23 and the Madden-Cullom resolution, No. 142, and wrote C. D. Bunker & Co. May 2, and on May 7 received in reply this wire:

A thousand thanks for your sympathy and help. We need them both.
C. D. BUNKER & Co.

I have no personal acquaintance with Moore & Sons or Bunker & Co.—never heard of them before they wrote me, as here shown.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5891. An act to authorize the South and Western Railway Company to construct bridges across the Clinch River and the Halston River, in the States of Virginia and Tennessee;

S. 5890. An act to authorize the South and Western Railroad Company to construct bridges across the Clinch River and Halston River, in the States of Virginia and Tennessee;

S. 5943. An act to authorize the Minnesota, Dakota and Pacific Railway Company to construct a bridge across the Missouri River;

S. 5572. An act to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States;

S. 1975. An act granting an increase of pension to Mary E. Dugger;

S. 2801. An act to withhold from sale a portion of Fort Brady Military Reservation, at Sault Ste. Marie, Mich.;

S. 2140. An act to authorize the Postmaster-General to dispose of useless papers in post-offices;

S. 5537. An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska;

S. 5683. An act to provide for the removal of derelicts and other floating dangers to navigation;

S. 3436. An act to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with the St. Marys Falls Ship Canal; and

S. 3522. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

S. 4956. An act to provide for the purchase of a site and the erection of a building thereon at Versailles, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan—to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. PAYNE. A parliamentary inquiry. If the House take a recess until 8 o'clock this evening, will the only order of business be the bill for revising the code of criminal procedure?

The SPEAKER. Under the special order that would be the only business that will be in order.

Mr. PAYNE. Well, I move that the House do now take a recess until 8 o'clock this evening.

Mr. DE ARMOND. Mr. Speaker, I would like to call attention to the fact, before this is voted upon, that I think this bill ought to be reprinted. Now, according to the legend of the bill, the existing law is printed in roman and the changes are printed in italics. On a slight examination of the bill, I find that a great many changes have been made with nothing at all to indicate what they are. Now, whether it is a mistake of the printer simply, or somebody else, I do not know.

Mr. PAYNE. I have no objection, if the gentleman from Pennsylvania thinks it necessary.

Mr. GROSVENOR. You had better have it reprinted.

Mr. MOON of Pennsylvania. I do not think that exists to any considerable extent, showing what the gentleman referred to. I think we have exercised a great deal of care. Of course, I refer to the Member who has it in charge and the printer.

Mr. DE ARMOND. What I refer to is this, Mr. Speaker: We are told that matter printed in roman is the old law and the changes are in italics. Now, in half a dozen or a dozen instances, looking over this matter slightly, the gentleman from Texas [Mr. HENRY] and I found that the law as printed in this bill is not the law as printed in the statutes. How far these changes are material, or whether they are material or immaterial, of course, it would take considerable examination to find out.

Mr. MOON of Pennsylvania. Will the gentleman permit me to ask him a question?

Mr. DE ARMOND. Certainly.

Mr. MOON of Pennsylvania. Does the gentleman contend that they are not the laws that appear in the Revised Statutes, or does he mean that they are not existing law as amended by subsequent statutes, which amendments are existing law found in the Supplement to the Revised Statutes and in the Statutes at Large?

Mr. DE ARMOND. What I mean is that the committee has changed the phraseology in some instances. Take the punishment for treason. The statute, I think, provides that the punishment shall be, among other things, imprisonment at hard labor. The committee has left "hard labor" out. Now, whether the committee has done the like of that in other instances there is nothing to indicate. It is printed as the existing law, and there are a great many sections which ought to be corrected in the printing before the House goes into consideration of this bill.

Mr. MOON of Pennsylvania. If the gentleman will permit me, I wish to say that change is covered absolutely by a general provision explaining that we have stricken out from all punishment the words "hard labor," because that is entirely provided for in another way—in a general provision, a provision that covers entirely that feature of it.

Mr. DE ARMOND. Well, that is only one instance, and I merely called attention to it. I do not think that is the only change; in fact, I am quite sure that changes have been made that are not indicated. I am sure that what purports to be, according to this print, existing law, in a great many instances will be found not to be the existing law.

Mr. PAYNE. As I understand, the session for this evening would be simply for the purpose of explaining the bill, and

these questions might be decided later after conference between the two gentlemen from Pennsylvania and Missouri.

Mr. DE ARMOND. I think really we ought to have the bill in proper form before we do anything about it.

Mr. MOON of Pennsylvania. Mr. Speaker, the bill is in proper form. The point the gentleman has made is covered by a general provision. A reprint of the bill would necessarily leave it in exactly the form it is now. Other changes of this kind exist. For instance, wherever there was a minimum punishment provided that minimum punishment has been stricken out and the change fully covered and explained by a general provision. We have given ample, and I believe complete, explanation of the reason why this was done; and I believe any reprint of the bill should produce it just exactly in that form. Now, the only thing that would be changed would be, perhaps, a modification in the statement at the head of the bill explaining that that kind of a change was not always indicated by italics, but was fully covered by a general provision fully explained in the bill. Anybody reading that could tell what was existing law and what was suggested as an alteration and a change.

Mr. DE ARMOND. Yes; but anybody could not tell by reading one of these provisions, without going to the statute and comparing it, whether the provision as printed in the bill is as the law appears in the statute or is not as it appears in the statute.

Mr. PAYNE. Mr. Speaker, the two gentlemen do not seem to be getting any nearer together. I must insist on my motion.

The SPEAKER. The gentleman from New York moves that the House now take a recess until 8 o'clock p. m.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 66, noes 40.

Mr. WILLIAMS. I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-one Members, less than a quorum.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the commission created to procure a site and designs for a statue of Thomas Jefferson, making report of the action of the commission—to the Committee on the Library, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oklawaha River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Crisfield Harbor, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MCCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5351) to provide for the adjustment of certain sales of lands in the late reservation of the confederated Ojibwa and Missouria tribes of Indians in the States of Kansas and Nebraska, reported the same with amendment, accompanied by a report (No. 3936); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17915) granting

an increase of pension to William W. Dudley, reported the same with amendment, accompanied by a report (No. 3932); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17309) granting an increase of pension to John W. Chase, reported the same with amendment, accompanied by a report (No. 3934); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7226) for the relief of Patrick Conlin, reported the same with amendment, accompanied by a report (No. 3935); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17195) for the relief of Richard Isaacs, reported the same adversely, accompanied by a report (No. 3931); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following title were introduced and severally referred, as follows:

By Mr. JONES of Washington: A bill (H. R. 19108) to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: A bill (H. R. 19109) to provide for the payment of certain expenses of holding the circuit and district courts of the United States in the southern division of the northern district of Alabama—to the Committee on the Judiciary.

Also, a bill (H. R. 19110) providing for pay of district judges—to the Committee on the Judiciary.

By Mr. NORRIS: A bill (H. R. 19111) for resurvey of certain lands in Nebraska—to the Committee on the Public Lands.

By Mr. HERMANN: A bill (H. R. 19112) to provide for the payment of the volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 19113) to provide for the erection of a monument in commemoration of the services of Gen. Otho Holland Williams in the Revolutionary war—to the Committee on the Library.

By Mr. SCOTT: A bill (H. R. 19114) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," to the surviving officers and enlisted men of the Eighteenth and Nineteenth Regiments of Kansas Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 19115) to establish in the Department of the Interior a bureau to be known as the Children's Bureau—to the Committee on Labor.

By Mr. BROWNLOW: A resolution (H. Res. 428) for the appointment of a clerk in the House document room—to the Committee on Accounts.

By Mr. BIRDSALL: A resolution (H. Res. 429) providing for the appointment of an enrolling clerk to the House of Representatives—to the Committee on Accounts.

By Mr. FOSTER of Vermont: A resolution (H. Res. 430) authorizing the Committee on Expenditures in the Department of Commerce and Labor to sit, investigate, etc.—to the Committee on Rules.

By Mr. STANLEY: A resolution (H. Res. 431) requesting information from the Secretary of Commerce and Labor concerning the American Tobacco Company, etc.—to the Committee on the Judiciary.

Also, a resolution (H. Res. 432) requesting information from the President of the United States concerning the American Tobacco Company, etc.—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 19116) for the relief

of the estate of John H. Russell, deceased—to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 19117) granting an increase of pension to Mary E. Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19118) granting an increase of pension to Effingham Vanderburgh—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 19119) granting an increase of pension to Susan M. Osborn—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 19120) granting a pension to Eliza E. Whitely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19121) granting an increase of pension to Isaac Overton—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 19122) for the relief of the estate of John Burns, deceased—to the Committee on War Claims.

By Mr. DAWSON: A bill (H. R. 19123) granting an increase of pension to William W. Tannery—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 19124) for the relief of Margaret C. Montville—to the Committee on Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 19125) granting an increase of pension to Mary W. Humphreys—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 19126) granting a pension to Lydia Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19127) granting an increase of pension to Hiram Perkins—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 19128) granting a pension to Alexander McAllister—to the Committee on Pensions.

Also, a bill (H. R. 19129) granting an increase of pension to Timothy Ford—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 19130) granting an increase of pension to Larsey Bolt—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 19131) granting an increase of pension to Edward K. Mull—to the Committee on Invalid Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 19132) to remove the charge of desertion against John McElhiney—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 19133) granting an increase of pension to Fergus P. McMillan—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 19134) for the relief of W. J. Peeples—to the Committee on War Claims.

Also, a bill (H. R. 19135) for the relief of Pierson Peeples—to the Committee on War Claims.

Also, a bill (H. R. 19136) for the relief of S. R. Ihly—to the Committee on War Claims.

Also, a bill (H. R. 19137) for the relief of E. Youmans—to the Committee on War Claims.

Also, a bill (H. R. 19138) for the relief of W. W. Weekley—to the Committee on War Claims.

Also, a bill (H. R. 19139) for the relief of Michael De Loach—to the Committee on War Claims.

Also, a bill (H. R. 19140) for the relief of A. R. Speaks—to the Committee on War Claims.

Also, a bill (H. R. 19141) for the relief of J. E. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 19142) for the relief of James T. Dowling—to the Committee on War Claims.

Also, a bill (H. R. 19143) for the relief of John H. Ruddell, administrator of the estate of Reuben R. Turner—to the Committee on War Claims.

Also, a bill (H. R. 19144) granting an increase of pension to Sarah Louisa Sheppard—to the Committee on Pensions.

By Mr. WELBORN: A bill (H. R. 19145) granting a pension to Henry T. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19146) granting a pension to Stephen G. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19147) granting an increase of pension to Richard L. Drumwright—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6956) granting an increase of pension to Henry L. Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19034) granting a pension to Elizabeth Mor-

gan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEALL of Texas: Paper to accompany bill for relief of estate of John H. Bussell—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of East White-land Presbyterian Church and the Missionary Society of the Presbyterian Church of Honeybrook, Pa., for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of the Commercial, Meyersdale, Pa., for an amendment to the postal laws making legitimate all subscriptions by others than the recipients of the paper—to the Committee on the Post-Office and Post-Roads.

Also, petition of William L. Newcomer, master of Grange No. 785, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of T. Morgan Silvery, of Wilkensburg, Pa., for an amendment to the postal laws making legitimate all subscriptions paid for by others than the recipients—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of West Virginia: Paper to accompany bill for relief of James H. Hooe—to the Committee on War Claims.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Mary W. Humphrey—to the Committee on Pensions.

By Mr. GRANGER: Petition of the Rhode Island Chapter of the American Institute of Architects, for forest reservations in the White Mountains and the Southern Appalachian Mountains (previously referred to the Committee on Rivers and Harbors)—to the Committee on Agriculture.

By Mr. HEDGE: Petition of the Louisa County (Iowa) Sabbath School Convention, against Sunday opening of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. HOWELL of New Jersey: Petition of George G. Worthley, of Matawan, N. J., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. F. Hagaman, of Lakewood, N. J.; E. H. Woolston, of Ocean Grove, N. J., and P. Hall Packer, of the Sea Bright News, for an amendment to the postal laws making legitimate all subscriptions paid for by others than the recipients of newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON: Paper to accompany bill for relief of Larsey Bolt—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of Columbus Cot—to the Committee on Pensions.

By Mr. LESTER: Paper to accompany bill for relief of William A. Baggs—to the Committee on War Claims.

By Mr. LEVER: Paper to accompany bill for relief of Susan M. Osborn—to the Committee on Pensions.

Also, paper to accompany bill for relief of Sarah C. A. Scott—to the Committee on Pensions.

By Mr. LINDSAY: Petition of R. J. Caldwell, of the American Civic Association, for a forest reservation of the Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Sarah Louisa Sheppard—to the Committee on Pensions.

By Mr. SMITH of Maryland: Resolution of the board of directors of the Maryland Penitentiary, against the pending legislation to restrict interstate transportation of prison-made goods—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Littleton D. Davis—to the Committee on Invalid Pensions.

Also, petitions of Stewart & Jarrell, of Hillsboro; J. R. Travers, of Nanticoke; J. B. Andrews & Co., Wright & Carter, and O. R. Wright & Co., of Harlock; C. A. Dashiell, of Princess Anne County; Zorah H. Brinsfield, of Eldorado; W. T. Tryer, of Colora; L. S. Fleckenstein, of Easton; Robert M. Messick, of Bethlehem; Milton L. Veasey, of Pocomoke City; W. A. Kirby, of Trappe; Wilson & Merrick, of Ingleside; S. Frank Dashiell, of Dames Quarter; M. L. Weaver, of Greensboro; W. F. Messick, of Allen; Otis M. Hignutt, of Williston; Walter W. Wright & Co., of Choptank; J. W. S. Webb, of Vienna; H. Nullte, of Andersonstown; A. Phillips & Co., L. B. Phillips & Co., and the Phillips Packing Company, of Cambridge; L. A. Insley & Bros., of Wingate; Harry A. Roe, of Denton; T. E. Spedden & Co., of James; N. H. Fooks & Co., J. Frank Lednum, R. I. Lednum, and Dennis & Carroll, of Preston, all in Maryland, for an amendment to the pure-food bill to exempt canned

goods from being stamped in terms of weight and measure—to the Committee on Interstate and Foreign Commerce.

By Mr. TALBOTT: Petitions of Washington Camps Nos. 45 and 16, of Baltimore; No. 5, of Westminster; No. 12, of Unionville; No. 39, of Harney; No. 10, of Tyrone, and Nos. 23 and 27, of Baltimore, Patriotic Order Sons of America, all in Maryland, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, May 10, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TRADE CONDITIONS IN CUBA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Charles M. Pepper, special agent of the Department of Commerce and Labor, on trade conditions in the island of Cuba; which, with the accompanying paper, was referred to the Committee on Relations with Cuba, and ordered to be printed.

FRENCH SPOILATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Rebecca*, John B. Thurston, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 1975. An act granting an increase of pension to Mary E. Dugger;

S. 2140. An act to authorize the Postmaster-General to dispose of useless papers in post-offices;

S. 2801. An act to withhold from sale a portion of Fort Brady, Military Reservation, at Sault Ste. Marie, Mich.;

S. 3436. An act to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with the St. Marys Falls Ship Canal;

S. 3522. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905;

S. 5203. An act granting to the Chicago, Milwaukee, and St. Paul Railway Company, of Montana, a right of way through the Fort Keogh Military Reservation, in Montana, and for other purposes;

S. 5537. An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska;

S. 5572. An act to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States;

S. 5683. An act to provide for the removal of derelicts and other floating dangers to navigation;

S. 5890. An act to authorize the South and Western Railroad Company to construct bridges across the Clinch River and Halston River, in the States of Virginia and Tennessee;

S. 5891. An act to authorize the South and Western Railway Company to construct bridges across the Clinch River and the Halston River, in the States of Virginia and Tennessee; and

S. 5943. An act to authorize the Minnesota, Dakota and Pacific Railway Company to construct a bridge across the Missouri River.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the American Scenic and Historic Society, of New York City, N. Y., praying that an appropriation be made for the erection of a monument to Maj. John Wesley Powell, the explorer, and his companions, at some place near the Grand Canyon of the Colorado River, in Arizona; which was referred to the Committee on the Library. He also presented a petition of the Council of Jewish Women of Chicago, Ill., praying that an appropriation be made for a